Vol. LVIII.

Assembly Proceedings

Official Report

Bengal Legislative Assembly

Ninth Session, 1940

The 28th, 29th and 30th November, 2nd, 3rd and 4th December, 1940.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency SIR JOHN ARTHUR HERBERT, G.C.I.E.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Mr. ABUL KASEM FAZLUL HUQ, in charge of the Education Department.

(2) The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department.

(3) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

(4) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of Public Health (including Medical) and Local Self-Government Departments.

(5) The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar, in charge of Communications and Works Department.

(6) The Hon'ble Mr. HUSEYAN SHAHEED SUHRAWARDY, in charge of Finance, Commerce and Labour Departments.

(7) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

(8) The Hon'ble Mr. PRASANNA DEB RAIKUT, in charge of the Forests and Excise Departments.

(9) The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

(10) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of Agriculture and Industries (including Veterinary) and Rural Reconstruction Departments.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.

DEPUTY SPEAKER.

M. ASHRAFALI, Esq., Barrister-at-law.

SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

FIRST ASSISTANT SECRETARY.

Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SADRUL OLA.

REGISTRAR.

A. B. CHATARJI, Esq.

BENGAL LEGISLATIVE ASSEMBLY

LPHABETICAL LIST OF MEMBERS.

A

Abdul Aziz, Maulana Md. [Narayanganj East (Muhammadan).]

Abdul Hafiz, Mr. Mirza. [Tangail West (Muhammadan).]

Abdul Hafiz Mia, Mr. [Kurigram South (Muhammadan).]

Abdul Hakeem, Mr. [Khulna (Muhammadan).]

Abdul Hakim, Maulvi. [Mymensingh West (Muhammadan).]

Abdul Hakim Vikrampuri, Maulvi Md. [Munshiganj (Muhammadan).]

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Abdul Jabbar Palwan, Mr. Md. [Jamalpur North (Muhammadan).]

Abdul Kader, Mr. [Patuakhali South (Muhammadan).]

Abdul Karim, Mr. [Jamalpur *cum* Muktagacha (Muhammadan).]

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Abdul Majid, Mr. Syed. [Noakhali South (Muhammadan).]

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Abdulla-Al Mahmood, Mr. [Serajganj North (Muhammadan).]

Abdur Rahman, Khan Bahadur, A. F. M. [24-Parganas North-East (Muhammadan).]

Abdur Rahman Siddiqi, Mr. (Muslim Chamber of Commerce.)

Abdur Rasheed, Maulvi Md. [Birbhum (Muhammadan).]

Abdur Raschid Mahmood, Mr. [Serajganj North (Muhammadan).]

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Abdur Rauf, Khan Bahadur Shah. [Rangpur South (Muhammadan).]

Abdur Razzak, Maulvi. [Feni (Muhammadan).]

Abdus Shaheed, Maulvi Md. [Dacca North Central (Muhammadan).]

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Abu Hossain Sarkar, Maulvi. [Gaibandha North (Muhammadan).]

Abul Fazl, Mr. Muhammad [Madaripur West (Muhammadan).]

Abul Hashim, Maulvi. [Burdwan (Muhammadan).]

Abul Hosain Ahmed, Mr. [Netrokona North (Muhammadan).]

Abul Quasem, Maulvi. [Hooghly (Muhammadan).]

Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh. (Dacca Landholders.)

Aftab Ali, Mr. (Water Transport Trade Union.)

Ahmed Ali Enayetpuri, Khan Bahadur Maulana. [Jhenidah (Muhammadan).]

Ahmed Ali Mridha, Maulvi. [Goalundo (Muhammadan).]

Ahmed Hosain, Mr. [Gaibandha South (Muhammadan).]

Ahmed Khan, Mr. Syed. [Noakhali South (Muhammadan.)]

Alfazuddin Ahmed, Khan Bahadur Maulvi. [Midnapore (Muhammadan).]

Aminullah, Khan Sahib Maulvi. [Noakhali Central (Muhammadan).]

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Anwarul Azim, Khan Bahadur Md. [Chittagong South (Muhammadan).]

Ashraf Ali, Mr. M. [Nator (Muhammadan).]

Asimuddin Ahmed, Mr. [Tippera Central (Muhammadan).]

Aulad Hossain Khan, Khan Bahadur Maulvi. [Manikganj East (Muhammadan).]

Azhar Ali, Maulvi. [Pabna East (Muhammadan).]

Azizul Haque, the Hon'ble Khan Bahadur M., C.I.E. [Nadia West (Muhammadan).]

B

Badrudduja, Mr. Syed. [Berhampore (Muhammadan.)]

Banerjee, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]

Banerji, Mr. P. [24-Parganas North-West (General).]

Banerjee, Mr. Pramatha Nath. [Burdwan North-West (General).]

Banerjee, Mr. Sibnath. [Howrah (Registered Factories).]

Banerji, Mr. Satya Priya. [Rajshahi (General).]

Barat Ali, Mr. Mohammad. [Serajganj Central (Muhammadan).]
Barma, Babu Premhari. [Dinajpur (General).]
Barma, Mr. Puspajit. [Rangpur (General).]
Barman, Babu Shyama Prosad. [Dinajpur (General).]
Barman, Babu Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
Basu, Mr. Jatindra Nath. [Calcutta North (General).]
Basu, Mr. Santosh Kumar. [Calcutta East (General).]
Bell-Hart, Miss P. B. (Anglo-Indian Constituency.)
Bhowmik, Dr. Gobinda Chandra. [Midnapore East (General).]
Birkmyre, Sir Henry, Bart. [Hooghly *cum* Howrah (European).]
Biswas, Babu Lakshmi Narayan. [Nadia (General).]
Biswas, Mr. Rasik Lal. [Jessore (General).]
Biswas, Mr. Surendra Nath. [Faridpur (General).]
Bose, Mr. Sarat Chandra. [Calcutta South (General).]
Brasher, Mr. F. C. [Calcutta and Suburbs (European).]

C

Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chattopadhyay, Mr. Haripada. [Nadia (General).]
Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Chippendale, Mr. J. W. (Anglo-Indian.)
Clark, Mr. I. A. [Burdwan Division (European).]

D

Das, Babu Radha Nath. [Hooghly North-East (General).]
Das, Mr. Anukul Chandra. [24-Parganas North-West (General).]
Das, Rai Sahib Kirit Bhusan. [Murshidabad (General).]
Das, Mr. Monomohan. [Mymensingh East (General).]
Dass, Babu Debendra Nath. [Birbhum (General).]
Das Gupta, Mr. Khagendra Nath. [Jalpaiguri *cum* Siliguri (General).]

Das Gupta, Dr. J. M. [Calcutta Central (General).]

Das Gupta, Srijut Narendra Nath. [Bakarganj South-West (General).]

Datta, Mr. Dhirendra Nath. [Tippera (General).]

Dolui, Mr. Harendra Nath. [Jhargram *cum* Ghatal (General).]

Dutt, Mr. Sukumar. [Hooghly South-West (General).]

Dutta Gupta, Miss Mira. [Calcutta General (Women).]

Dutta Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

E

Edbar, Mr. Upendranath. [Bakarganj South-West (General).]

Emdadul Haque, Kazi. [Kurigram North (Muhammadan).]

F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]

Farhat Bano Khanam, Begum. [Dacca (Muhammadan) Women.]

Fazlul Huq, the Hon'ble Mr. A. K. [Patuakhali North (Muhammadan).]

Fazlul Qadir, Khan Bahadur Maulvi. [Chittagong North-West (Muhammadan).]

Fazlur Rahman, Mr. [Jamalpur East (Muhammadan).]

Fazlur Rahman, Mr. (Dacca University.)

G

Ganguly, Mr. Pratul Chandra. [East Bengal Municipal (General).]

Ghose, Mr. Atul Krishna. [Jessore (General).]

Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]

Gladding, Mr. D. [Bengal Chamber of Commerce.]

Golam Sarwar Hosaini, Mr. Shah Syed. [Ramganj *cum* Raipur (Muhammadan).]

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Goswami, Mr. Tulsi Chandra. [Burdwan Division North Municipal (General).]

Griffiths, Mr. C. (Anglo-Indian.)

Gupta, Mr. Jogesh Chandra. [Calcutta South Central (General).]

Gupta, Mr. J. N. [Railway Trade Union (Labour).]

Gurung, Mr. Damber Singh. [Darjeeling (General).]

Gyasuddin Ahmed Choudhury, Al-Hadj. [Madaripur East (Muhammadan).]

H

Habibullah, the Hon'ble Nawab Bahadur K., of Dacca. [Dacca Municipal (Muhammadan).]

Haddow, Mr. R. R. [Calcutta and Suburbs (European).]

Hafizuddin Choudhuri, Maulvi. [Thakurgaon (Muhammadan).]

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Hamilton, Mr. K. A. (Calcutta Trades Association.)

Hasan Ali Chowdhury, Mr. Syed. [Tangail North (Muhammadan).]

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Hatemally Jamadar, Khan Sahib Maulvi. [Pirojpur South (Muhammadan).]

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Hendry, Mr. David. (Bengal Chamber of Commerce.)

Hirtzel, Mr. M. A. F. (Bengal Chamber of Commerce.)

I

Idris Ahmed Mia, Mr. [Malda South (Muhammadan).]

Ispahani, Mr. M. A. H. [Calcutta South (Muhammadan).]

J

Jalaluddin Ahmad, Khan Bahadur Maulvi. [Cox's Bazar (Muhammadan).]

Jalaluddin Hashemy, Mr. Syed. [Satkhira (Muhammadan).]

Jalan, Mr. I. D. [Calcutta West (General).]

Jasimuddin Ahmed, Khan Sahib Maulvi. [24-Parganas South (Muhammadan).]

Jonab Ali Majumdar, Maulvi. [Chandpur East (Muhammadan).]

K

Kabiruddin Khan, Khan Bahadur Maulvi. [Netrokona South (Muhammadan).]

Kazem Ali Mirza, Sahibzada Kawan Jah Syed. [Murshidabad South-West (Muhammadan).]

Kennedy, Mr. I. G. (Indian Jute Mills Association.)

Khaitan, Mr. Debi Prosad. (Indian Chamber of Commerce.)

Khan, Mr. Debendra Lall. [Midnapore Central (General).]

Kumar, Mr. Atul Chandra. [Malda (General).]

Kundu, Mr. Nishitha Nath. [Dinajpur (General).]

M

MacGregor, Mr. G. G. (Indian Tea Association.)

Mafizuddin Ahmed, Dr. [Bogra North (Muhammadan).]

Mafizuddin Ahmed, Maulvi. [Tippera North (Muhammadan).]

Mafizuddin Choudhury, Maulvi. [Balurghat (Muhammadan).]

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Mahatab, Maharajkumar Uday Chand. [Burdwan Central (General).]

Mahtabuddin Ahmed, Khan Bahadur Maulvi. [Dinajpur Central West (Muhammadan).]

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Maji, Mr. Adwaita Kumar. [Burdwan Central (General).]

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Majumdar, Mrs. Hemaprova. [Dacca (General) Women.]

Mal, Mr. Iswar Chandra. [Midnapore South-West (General).]

Mandal, Mr. Amrita Lal. [Mymensingh West (General).]

Mandal, Mr. Banku Behari. [Burdwan North-West (General).]

Mandal, Mr. Birat Chandra. [Faridpur (General).]

Mandal, Mr. Jagat Chandra. [Tippera (General).]

Mandal, Mr. Jogendra Nath. [Bakarganj North-East (General).]

Mandal, Mr. Krishna Prasad. [Midnapore Central (General).]

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Maniruzzaman Islamabadi, Maulana Md. [Chittagong South Central (Muhammadan).]

Maqbul Hosain, Mr. [Tippera North-East (Muhammadan).]

Masud Ali Khan Panni, Maulvi. [Tangail South (Muhammadan).]

Miles, Mr. C. W. (Indian Tea Association.)

Millar, Mr. C. [Calcutta and Suburbs (European).]

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Mohsin Ali, Mr. Md. [Meherpur (Muhammadan).]

Mookerjee, Dr. Syamaprasad. (Calcutta University.)

Morgan, Mr. G., C.I.E. [Presidency Division (European).]

Moslem Ali Mollah, Maulvi. [Rajshahi Central (Muhammadan).]

Mozammel Huq, Maulvi Md. [Bhola North (Muhammadan).]

Muhammad Afzal, Khan Bahadur Maulvi Syed. [Pirojpur North (Muhammadan).]

Muhammad Ibrahim, Maulvi. [Noakhali North (Muhammadan).]

Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]

Muhammad Israil, Maulvi. [Kishoreganj South (Muhammadan).]

Muhammad Siddique, Khan Bahadur Dr. Syed. [Bankura (Muhammadan).]

Muhammad Solaiman, Khan Sahib Maulvi. [Barrackpore Municipal (Muhammadan).]

Mukherjea, Mr. Taraknath, M.B.E. [Burdwan Landholders' Constituency.]

Mukerji, Mr. Dhirendra Narayan. (Hooghly North-East.)

Mukherjee, Mr. B. [Colliery (Coal Mines) (Labour).]

Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]

Mukherji, Dr. Sharat Chandra. [Birbhum (General).]

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Mullick, Mr. Pulin Behary. [Howrah (General).]

Mullick, Srijut Ashutosh. [Bankura West (General).]

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Mustagawsal Haque, Mr. Syed. [Bagerhat (Muhammadan).]

Mustafa Ali Dewan, Maulvi. [Brahmanbaria North (Muhammadan).]

N

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar, (Presidency Landholders.)

Nasarullah, Nawabzada K., Parliamentary Secretary. [Brahmanbaria South (Muhammadan).]

Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]

Nausher Ali, Mr. Syed. [Jessore Sadar (Muhammadan).]

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

Nooruddin, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]

Norton, Mr. H. R. (Calcutta Trades Association.)

P

Pain, Mr. Barada Prosanna. [Hooghly *cum* Howrah Municipal (General).]

Patton, Mr. W. C. [Darjeeling (European).]

Paul, Sir Hari Sankar. (Bengal National Chamber of Commerce.)

Pramanik, Mr. Tarinicharan. [Malda (General).]

R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]

Raikut, the Hon'ble Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]

Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]

Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]

Razaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]

Roy, Mr. Patiram. [Khulna (General).]

Roy, Kumar Shib Shekhareswar. (Rajshahi Landholders.)

Roy, Mr. Charu Chandra. [Mymensingh West (General).]

Roy, Mr. Dhananjoy. [Dacca East (General).]

Roy, Mr. Kamalkrishna. [Bankura East (General).]

Roy, Mr. Kiran Sankar. [Dacca West (General).]

Roy, Mr. Kishori Pati. [Jhargram *cum* Ghatal (General).]

Roy, Rai Bahadur Kshirod Chandra. (Chittagong Landholders.)

Roy, Mr. Manmatha Nath. [Howrah (General).]

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]

Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]

Sahabe Alum, Mr. Syed. [Dacca Central (Muhammadan).]

Salim, Mr. S. A. [Narayanganj North (Muhammadan).]

Sanaullah, Dr. [Chittagong North-East (Muhammadan).]

Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]

Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]

Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]

Sarker, Mr. Nalini Ranjan. (Bengal National Chamber of Commerce.)

Sassoon, Mr. R. M. (Bengal Chamber of Commerce.)

Sen, Mr. Atul Chandra. [Dacca East (General).]

Sen, Babu Nagendra Nath. [Khulna (General).]

Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]

Sen Gupta, Mrs. Nellie. [Chittagong (General).]

Serajul Islam, Mr. [Bongaon (Muhammadan).]

Shahabuddin, Mr. Khwaja, C.B.E., Parliamentary Secretary. [Narayanganj South (Muhammadan).]

Shahedali, Mr. [Matlabbazar (Muhammadan).]

Shamsuddin Ahmed, Mr. M. [Kusthia (Muhammadan).]

Shamsuddin Ahmed Khandkar, Mr. [Gopalganj (Muhammadan).]

Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]

Sinclair, Mr. J. F. [Chittagong Division (European).]

Singha, Babu Kshetra Nath. [Rangpur (General).]

Sinha, Srijut Manindra Bhusan. [Bankura West (General).]

Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]

Smith, Mr. H. Brabant. [Rajshahi Division (European).]

Steven, Mr. J. W. R. [Dacca (European).]

Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]

Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faridpur West (Muhammadan).]

Tapuriah, Rai Bahadur Moongtu Lall. (Marwari Association.)

Thakur, Mr. Promatha Ranjan. [Faridpur (General).]

Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]

Walker, Mr. J. R. (Bengal Chamber of Commerce.)

Walker, Mr. W. A. M. (Indian Jute Mills Association.)

Whitehead, Mr. R. B. (Indian Mining Association.)

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Yusuf Mirza. [24-Parganas Central (Muhammadan).]

Z

Zahur Ahmed Choudhury, Maulvi. [Malda North (Muhammadan).]

Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

Volume LVIII.

(Official Report of the Ninth Session.)

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 28th November, 1940, at 3-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 8 Hon'ble Ministers and 207 members.

Oaths.

The following members took their oaths of allegiance to the Crown:—

(1) Mr. D. Gladding.

(2) Mr. I. A. Clark.

(3) Mr. J. F. Sinclair.

Privilege Motion.

Mr. SIBNATH BANERJEE: Mr. Speaker, Sir, I want to move a privilege motion, which being a matter of privilege should get preference over other subjects.

Mr. SPEAKER: Have you given notice?

Mr. SIBNATH BANERJEE: No.

Mr. SPEAKER: I am sorry. It is not stated that you need not give notice.

Dr. NALINAKSHA SANYAL: Sir, it is not really a privilege motion that my friend Mr. Sibnath Banerjee wants to move. He wants merely to enquire of you——

Mr. SPEAKER: I think that this enquiry could be taken up after the formal things have been done.

Obituary reference.

Mr. SPEAKER: Ladies and gentlemen, before the proceedings of the day begin, it is my melancholy duty to refer to the deaths of Prince Akram Hossain, who died in Calcutta on the 15th October, 1940, and of Maulvi Aftab Hossain Joardar, a sitting member of the Bengal Legislative Assembly, who died in Calcutta on the 23rd September, 1940.

Prince Akram Hosain was the only surviving son of the late Nawab Wajid Ali Shah, the last King of Oudh.

From 1920 to 1927, he was a member of the Central Legislative Assembly. He was nominated to the Council of State in 1927 and continued as a member till 1930.

In 1929 he was a member of the Provincial Committee to co-opt the Royal (Simon) Commission and led the deputation of the Bengal Muslims and gave evidence before the Commission.

In 1931 the Prince acted for a time as a member of the Executive Council of the Governor of Bengal.

In 1936 he was again nominated by the Government to the Council of State but had to resign after two years of strenuous work in 1938 owing to unsatisfactory health.

Maulvi Aftab Hossain Joardar was elected a member of the old Bengal Legislative Council in 1923 from the Nadia Muhammadan Constituency and of this Assembly since the inauguration of the present Reforms as a representative of the Nadia East Muhammadan Constituency.

Ladies and gentlemen, our heart goes out in sincerest sympathy with their relatives and I am sure it will be the desire of the House to convey our message of condolence to the members of the bereaved families.

I now request you, ladies and gentlemen, to signify your assent by rising in your seats.

(All the members rose in their seats).

Mr. SPEAKER: Thank you, ladies and gentlemen, usual steps will be taken.

Panel of Chairmen.

Mr. SPEAKER: In accordance with the provisions of Rule 6 of the Bengal Legislative Assembly Procedure Rules, I nominate the following members of the Assembly to form a panel of four Chairmen for the ensuing session:—

(1) Mr. Sarat Chandra Bose,

(2) Mr. W. A. M. Walker,

(3) Mr. Abdur Rahman Siddiqi,

(4) Mr. Anukul Chandra Das.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Assembly in my absence and in the absence of the Deputy Speaker.

Point of privilege.

Maulvi ABU HOSSAIN SARKAR: On a point of privilege, Sir. Is there any standing order passed by you, Sir, that members of this Assembly cannot use the northern gate, and that if anybody makes an attempt to do so, he will be prevented by the Sergeant on duty?

Mr. SPEAKER: In a matter like this I cannot give an answer off-hand without first making an enquiry.

Mr. SYED JALALUDDIN HASHEMY: May I know, Sir, whether the Sergeant on duty has any right to insult a member of this House when he is entering into one of the gates of this House?

Mr. SPEAKER: This is a matter to which, I think, my attention should have been drawn beforehand. In that case I could have immediately had an enquiry made, without which, however, I can say nothing.

Mr. RASIK LAL BISWAS: Sir, the treatment meted out by the Sergeant on duty to a member of this Assembly has been very insulting.

Mr. SPEAKER: I can say this much that there is a long-standing order that the northern gate is meant for the use of the Hon'ble Ministers.

Maulvi ABU HOSSAIN SARKAR: But the Sergeant replied that only the Ministers and nobody else can use that gate.

Mr. SPEAKER: That is the thing which in my opinion ought to be enquired into.

Mr. NIHARENDU DUTTA MAZUMDAR: I would ask you to take note of the suggestion whether the Sergeants can altogether be replaced by any other staff to guard the precincts of the House.

Mr. SPEAKER: That is another matter to which also I can give no answer just at present.

Privilege motion regarding the attendance of the sitting members who are now in jail.

Mr. SIBNATH BANERJEE: Sir, in view of the recommendations of the Committee of Privileges, placed before the House on the 19th September, 1940, this Assembly opines that immediate steps be taken for the attendance to the sittings of the Assembly of Sjs. Narendra Narayan Chakravarti, Pratul Chandra Ganguly and Jnanendra Chandra Mazumdar, now detained in the Presidency and Alipore Jails.

Mr. SPEAKER: I think you should send in a notice to that effect and I shall look into the matter. Perhaps the Hon'ble the Home Minister intends to go into the question.

Absence of the Leader of the Opposition.

Khan Bahadur MOHAMMED ALI: On a point of information, Sir. Have we at the present moment no Leader of the Opposition?

Mr. SPEAKER: For the present I have no information on the point.

STARRED QUESTIONS

(to which oral answers were given)

Mr. SPEAKER: Questions.

(The Secretary to the Assembly called the name of the Hon'ble Mr. A. K. Fazlul Huq to make his reply to starred question No. 1 of Mr. Rasik Lal Biswas.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I have your permission to answer these questions on behalf of the Hon'ble the Chief Minister?

Mr. SPEAKER: In these matters I think there should be no such last minute request to answer a question on behalf of an absentee Minister, but that a previous intimation should always be sent. However, I am prepared to allow you, Sir Bijoy Prasad, to answer the questions on behalf of the Hon'ble the Chief Minister.

Amount spent on stipends and scholarships to Muslim and Scheduled Caste students.

*1. **Mr. RASHIK LAL BISWAS:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the year 1938-39 the amount granted to the—

(A) Muslim and

(B) Scheduled Caste

students of Bengal, in—

(*i*) I.A. and I.Sc.,

(*ii*) B.A. and B.Sc.,

(*iii*) M.A. and M.Sc.,

(*iv*) I.Com. and B.Com.,

(*v*) Medical (School and College),

(*vi*) Engineering (School and College) and

(*vii*) Matric classes,

as stipends and scholarships, by the Government of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): A statement is laid on the table.

Statement referred to in the reply to starred question No. 1.

	Scholarships.		Stipends.	
	Muslim.	Scheduled Castes.	Muslim.	Scheduled Castes.
	Rs.	Rs.	Rs.	Rs.
(*i*) I.A. and I.Sc. ..	12,120	2,025		
(*ii*) B.A. and B.Sc. ..	10,560	2,970		
(*iii*) M.A. and M.Sc. ..	3,840	1,260		
(*iv*) I.Com. and B.Com. ..	Nil	Nil		
(*v*) Medical (School and College).	360 (provided by the Education Department).	Nil	43,880	30,104
(*vi*) Engineering (School and College).	15,240	1,560		
(*vii*) Matric classes ..	12,192	7,200		

Grant-in-aid to high English schools in Goalundo subdivision.

*2. **Maulvi AHMED ALI MRIDHA :** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the names of high English schools at present existing in the subdivision of Goalundo;

(*ii*) which of the schools are affiliated to the Calcutta University;

(*iii*) which of the schools are in receipt of Government grants-in-aid;

(*iv*) the amounts of grants received by each of them per annum; and

(*v*) which of the schools have not yet received any Government grants?

(*b*) Will the Hon'ble Minister be pleased to state whether any of the schools referred to in clause (*a*)(*v*) has applied for any such grant? If so, which are they?

(*c*) Do the Government contemplate the grant of aid to any of them during the current year?

(*d*) If so, to which?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) A statement furnishing the information is laid on the table.

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement furnishing the information is laid on the table.

(*b*) No.

(*c*) and (*d*) The questions do not arise as no application for grant-in-aid was received.

* *Statement referred to in the reply to clause (a) of starred question No. 2.*

Name of existing schools. (*i*)	Whether affiliated. (*ii*)	Whether in receipt of grant-in-aid. (*iii*)	Amount of grant-in-aid per annum. (*iv*)	Schools not in receipt of grant-in-aid. (*v*)
			Rs.	
1. Rajbari R. S. K. Institution.	Yes	Yes	1,884	..
2. Korakdi H. E. School ..	Yes	Yes	1,200	..
3. Pangsa H. E. School ..	Yes	Yes	1,200	..
4. Harbashpur H. E. School	Yes	Yes	1,200	..
5. Baliakandi H. E. School	Yes	..	..	Do not receive any grant-in-aid.
6. Goalundo H. E. School	Yes	..	..	
7. Khankhanapur H. E. School.	Yes	..	..	
8. Ramdia H. E. School ..	Yes	..	..	
9. Nalia H. E. School ..	Yes	..	..	

Capital grant to old and new scheme madrasahs.

*3. **Maulvi MD. ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any amount has been budgeted in the current year for the capital grant to old and new scheme madrasahs?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Will the Hon'ble Minister be pleased to state the number of (1) reformed madrasahs (Junior and High) and (2) old scheme madrasahs (Senior) recognised in 1939 and up to 30th June, 1940?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) Yes.

(*b*) Does not arise.

(*c*) The figures of madrasahs recognised in 1939 were—

Junior—120 including 90 securing extension of recognition.

High—7 including 6 securing extension of recognition.

Senior—29 including 19 securing extension of recognition.

The figures for the period January to June, 1940, were—

Junior—89 including 54 securing extension of recognition.

High—14 including 13 securing extension of recognition.

Senior—20 including 11 securing extension of recognition

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the amount budgeted for the madrasah in the current year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I refer the honourable member to the budget statement.

Apprehension of breach of peace in connection with road construction in village Muzati, Mymensingh.

***4. Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that there has been a likelihood of breach of peace in connection with the construction of a road in village Muzati, police-station Muktagacha in the district of Mymensingh?

(*b*) Has the attention of the Hon'ble Minister been drawn to the editorial comment on the subject as published in the daily *Azad*, dated the 1st of Sravan, 1347 B.S. (Calcutta edition)?

(*c*) Is it a fact that proceedings under sections 107 and 144, Indian Penal Code, were drawn up against one party on the report of the police?

(*d*) Is it a fact that the said proceedings were dropped by the Subdivisional Officer, Sadar South (Mymensingh)?

(*e*) Is it a fact—

(*i*) that after the proceedings were dropped the situation could not be brought under control; and

(*ii*) that the Additional Superintendent of Police, Mymensingh, visited the locality and deputed police guards on the spot?

(*f*) Will the Hon'ble Minister be pleased to state what action he proposed to take in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, there was apprehension of a breach of peace in connection with the construction of a road in village Muzati, police-station Muktagacha in the district of Mymensingh.

(*b*) to (*d*) Yes.

(*e*) (*i*) No. It is not a fact.

(*ii*) Yes.

(*f*) No action is called for as there was no trouble after the withdrawal of police guards, and as the construction of the road was definitely abandoned.

Muslim Honorary Magistrates in Barrackpore subdivision.

*5. **Maulvi MD. IBRAHIM:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware that there is no Muslim Honorary Magistrate in the subdivision of Barrackpore in the district of the 24-Parganas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) This is not correct. There are at present, five Muslim Honorary Magistrates in the Barrackpore subdivision.

(*b*) Does not arise.

Appointment of non-Bengalis in the Calcutta Madrasah.

*6. **Maulvi MD. IBRAHIM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any hand has been and is being appointed as teacher, lecturer and professor in the Calcutta Madrasah from amongst people who are non-Bengalis?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing for the period from 1st April, 1937, to 22nd February, 1940,—

(*i*) how many of such people have been appointed; and

(*ii*) in what posts and on what scales of pay?

(*c*) Is there any vacancy at present in the said Madrasah in the posts referred to in (*b*)?

(*d*) If so—

(*i*) how many;

(*ii*) in what posts;

(*iii*) how many candidates are there for each such post;

(*iv*) how many of them satisfy the minimum qualifications for each of the posts;

(*v*) how many of them are Bengalis; and

(*vi*) how many are non-Bengalis?

(*e*) Are the Government contemplating giving any preferential consideration in favour of Bengali candidates?

(*f*) If not, why not?

(*g*) In case Government are not prepared to appoint Bengalis for any of the said post, are the Government considering the desirability of giving details of qualifications of the selected non-Bengalis and next best unsuccessful Bengali candidate with descriptions of diploma and titles held by each?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) and (*c*) Yes.

(*b*) (*i*) Three.

(*ii*) One in the post of Lecturer in Fiqh and Usul in the scale of Rs. 125—25/2—150—20/2—310—10/2—350 (Arabic Department).

One in the post of Assistant Master in the scale of Rs. 75—175 (Anglo-Persian Department).

One in the post of Arabic teacher in the Junior Section of the Arabic Department in the scale of Rs. 75—175.

(*d*) (*i*) One.

(*ii*) Post of Arabic teacher in the Junior Section of the Arabic Department.

(*iii*) 68.

(*iv*) 17.

(*v*) 15.

(*vi*) 2.

(*e*) A non-Bengali who was officiating in the vacancy and was selected for final appointment has since been discharged and a Bengali has been appointed.

(*f*) and (*g*) Do not arise.

Recruitment in Subordinate Educational Service since 1937.

*7. **Mr. ABDUR RASCHID MAHMOOD:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the—

(*a*) number,

(*b*) names, and

(*c*) educational qualifications

of the persons recruited in the Bengal Subordinate Educational Service from the residents of each district of the Province since the Ministry assumed office in 1937?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): The collection of this information would involve an expenditure of time and labour which would not be commensurate with the advantage likely to accrue from the information, as appointments are not made on a district basis.

Satkhira Bar Association.

*8. **Rai Sahib KIRIT BHUSAN DAS:** (*a*) Is the Hon'ble Minister in charge of the Judicial Department aware—

(*i*) that the Satkhira Bar Association in the district of Khulna use and occupy a *pucca* building situated within the Court area;

(*ii*) that a particular room of the said building has been allocated for keeping drinking water, betel, etc., for use of the members of the association;

(*iii*) that one particular member of the Satkhira Bar Association belonging to the Kapali community has been denied entrance to the said room; and

(*iv*) that there exists a feeling amongst the people belonging to the Kapali and other sister communities over the matter?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take in the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) and (*ii*) Yes.

(*iii*) Yes, by some members of the Bar Association but not by any resolution of the Bar Association.

(*iv*) Yes, there was some tension which is no longer existing.

(*b*) None.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state whether the said gentleman belonging to the Kapali community is not allowed to enter the room in question?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: If the honourable member would look to answer (*a*) (*iv*), he will find the answer.

Maintenance of communal ratio in office of Settlement Officer, Mymensingh.

***9. Mr. MD. ABUL FAZL:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether communal ratio, since its introduction, is being observed in respect of all appointments made under the Settlement Officer, Mymensingh?

(*b*) If it is not being observed, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes, as far as possible.

(*b*) Does not arise.

State scholarship for the study of Engineering abroad.

*10. **Mr. ASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a special State scholarship for the Muslim Engineers who have passed from the Bengal Engineering College, Sibpore, has been allotted this year?

(*b*) If so, will the Hon'ble Minister be pleased to state whether applications were invited from eligible candidates?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state how many applications were received showing—

(*i*) names of the candidates;

(*ii*) their qualifications, civil or mechanical; and

(*iii*) the name of the selected candidate?

(*d*) Will the Hon'ble Minister be pleased to state by whom the selection was made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) A State scholarship to be awarded triennially to a suitable Muslim Engineering graduate for study abroad has been sanctioned this year.

(*b*) Yes.

(*c*) (*i*) and (*ii*) A statement is laid on the table.

(*iii*) Mr. Habibur Rahman.

(*d*) By Government on the recommendation of an *ad hoc* committee.

Statement referred to in the reply to clause c (i) and (ii) of starred question No. 10, regarding applications received in connection with a State scholarship for the study of Engineering in the United States of America.

Name and present address.	Academic qualifications.	Experience, if any.
(1) Md. Mafiruddin Chowdhury, 75, Chittaranjan Avenue, Suite 1, Calcutta, home district Rangpur.	Matriculation, 1st division in 1932. I.Sc., 1st division in 1934. I.E. (2nd place) in 1936. B.E. (Civil), 1st class in 1938.	Assistant Executive Engineer, Irrigation Branch, Communications and Works Department.
(2) Syed Kazim Ali, 15, Waliullah Lane, Calcutta. Home district Hooghly.	Matriculation, 1st division in 1930. I.Sc., 1st division in 1933. I.E. in 1935. B.E., 1st class in 1937.	Carrying out duties in Cossipore Gun and Shell Factory.
(3) Kafil Uddin Ahmed, Resident Engineer (Communications and Buildings), Cossye Bridge Construction, Kharagpur, Bengal Nagpur Railway. Home district Mymensingh.	Matriculation, 1st division in 1928. I.Sc., 1st division in 1930. I.E. in 1934. B.E. (Civil) in 1937, stood second.	Passed practical training examination, Communications and Works Department in 1938. Worked as a Technical Assistant, Communications and Works Department, for one year. Working as an Assistant Engineer, Communications and Works Department, in Bengal Engineering Service since December, 1939.
(4) Habibur Rahman, P27, Circus Market Row, Circus post office, Calcutta. Home district Jessore.	Matriculation, 1st division in 1933. I.Sc., 1st division in 1935. I.E. (1st among Mechanical Engineer students) in 1937. B.E. (Mech.), 2nd class first in 1939.	Undergoing practical training under Chief Mechanical Engineer, Calcutta Port Commissioners.
(5) Syed Abdur Rashid, Kundupukur. Home district Burdwan.	Matriculation, 1st division in 1932. I.Sc., 1st division in 1934. B.E. (2nd class) in 1939.	Student Engineer in Communications and Works Department.
(6) Md. Nadiruzzaman, village Chattarpaya, police-station Senbag, district Noakhali. Home district Noakhali.	School Final Examination (Science Side in 1935), standing first in the province. Passed the Diploma Examination. In M.E. and B.E. in 1938, third in merit. Passed the M.E. (Associate) Examination in 1939, second in order of merit.	Under training in Locomotive Engineering under Assam Bengal Railway Co., Ltd.
(7) Aziz Ahmed Mohammad Hossain, Government Telegraph Workshops, Alipore, Calcutta. Home district Bogra.	Matriculation, 1st division in 1929. I.Sc., 1st division in 1931. B.E., 2nd class in 1936.	24 months' practical training in Calcutta Port Commissioners' Workshops. Working in the Government Telegraph Workshops as an Assistant Foreman.

Amount spent on old scheme madrasahs during last two years.

*11. **Maulvi ABDUL WAHED:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing, district by district, for the last two years the amount spent as—

(*i*) the capital grant, and

(*ii*) the recurring monthly grant,

for the old scheme madrasahs?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): A statement is laid on the table.

Statement referred to in the reply to starred question No. 11, showing capital and recurring grants sanctioned in 1938-39 and 1939-40 to old scheme madrasahs existing in certain districts of the Presidency.

Name of districts.	A—Capital grant.		B—Recurring grant.	
	1938-39.	1939-40.	1938-39.	1939-40.
	Rs.	Rs.	Rs.	Rs.
Hooghly ..	..	..	2,400	2,700
24-Parganas ..	..	..	1,800	1,800
Jessore ..	..	..	..	900
Dacca ..	5,000	..	3,000	3,840
Mymensingh ..	..	..	3,000	4,500
Bakarganj ..	..	3,000	5,100	5,940
Chittagong ..	..	..	5,400	6,300
Noakhali ..	..	293	6,960	9,600
Tippera ..	..	..	2,280	3,460
Pabna ..	150	..	1,180	1,500
Bogra ..	..	..	1,488	2,100
Dinajpur ..	..	..	528	560

Permission to Sri Subhas Chandra Bose to attend Central Legislature.

*11A. **Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government of Bengal received any letter or opinion of the Central Government to permit Sri Subhas Chandra Bose to attend the Central Legislature of which he is an elected member?

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The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether there was any correspondence from the Government of Bengal to the Central Government with regard to the detention of Sri Subhas Chandra Bose?

Mr. SPEAKER: That question does not arise. The question is about the attendance of Mr. Bose to the Central Legislature.

Mr. ATUL KRISHNA GHOSE: The question of attendance will come afterwards.

Mr. SPEAKER: You must bring that first. Supposing there was a correspondence before his election.

Mr. ATUL KRISHNA GHOSE: I want to know if there was any such correspondence even before his election.

Mr. SPEAKER: That is not in order.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether, just after the election of Sri Subhas Chandra Bose when in usual course he was to attend the Central Legislature, there was any instruction from the Government of Bengal to the Central Legislature to the effect that he might not attend the Central Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if it is a fact that it is due to the intervention of the Provincial Government that Sri Subhas Chandra Bose has not been able to attend the sittings of the Central Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: If by "intervention" the honourable member means "his detention under the rules" then the answer is in the affirmative; beyond that there is no other intervention on the part of the Government of Bengal.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if it is a fact that the trying Magistrate was willing to grant bail——

Mr. SPEAKER: I am sorry, that question does not arise.

Mr. ATUL KRISHNA GHOSE: Please let me complete my question. Then you will give your ruling and I shall bow down to your ruling.

Is it a fact that the trying Magistrate was willing to grant bail to Sri Subhas Chandra Bose on a security of Rs. 1,000, and it is for this purpose alone, namely, he will not be able to attend the Central Legislature, that the Government of Bengal did not give any chance to give effect to that bail?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether a writ was served upon Sri Subhas Chandra Bose asking him to attend the Central Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether any such notice arrived at any office of the Government of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of enlarging Srijut Bose on bail in order to enable him to attend the Central Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, this does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: I ask the Hon'ble Minister whether Government is considering the desirability of seeing that Srijut Bose is enlarged on bail in order to enable him to attend the Central Legislature?

Mr. SPEAKER: That is a request for action.

Mr. NIHARENDU DUTTA MAZUMDAR: I am asking for information whether Government is contemplating any such thing.

Mr. SPEAKER: That does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether the Government of Bengal applied its mind to the question of releasing Sri Subhas Chandra Bose after he was elected to the Central Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: I again submit that this question does not arise.

Mr. SASANKA SEKHAR SANYAL: That is for Mr. Speaker to say.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am speaking to him.

Mr. SASANKA SEKHAR SANYAL: It is an open fact that Srijut Bose has been elected to the Central Legislature and he has been detained by the Government of Bengal. My question is whether the Government of Bengal applied its mind to release him.

Mr. SPEAKER: That question is wholly out of order.

Mr. SASANKA SEKHAR SANYAL: Whether he applied his mind?

Mr. SPEAKER: How do you make it relevant?

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state what steps have been taken by the Government in the matter of detention or enlargement of Sri Subhas Chandra Bose after his election to the Central Legislature was announced?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I point out to the honourable member, through you, Sir, that the question relates to whether any correspondence had been received by this Government from the Central Government concerning the attendance of Mr. Subhas Chandra Bose at the Central Legislature of which he is an elected member.

Mr. SPEAKER: I think the honourable member wants to know whether for the purpose of attendance after his election the question of Mr. Subhas Chandra Bose's release was considered?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as that is concerned, I submit again that the question of attending the Central Legislature, because of a letter from the Government of India, was considered.

But I think, the main purport of the question is whether the Government of India asked this Government to submit to the wish of the Central Legislature, and therefore nothing like that I am prepared to answer.

Mr. NIHARENDU DUTTA MAZUMDAR: I submit, Sir, that this question in reference to the communication of the Government of India raises the question of Mr. Subhas Chandra Bose's attendance in the session of the Central Legislature. Therefore, Sir, a supplementary question with regard to the attendance of Mr. Subhas Chandra Bose in the session of the Central Legislature is certainly in order.

Mr. SPEAKER: I first held that it was in order, but later on I found that it was not in order.

(At this stage the next question was called out.)

Mr. ATUL KRISHNA GHOSE: Sir, I have got to submit a serious question about the omission of a portion of my——.

Mr. SPEAKER: After the questions are over, I will allow you to submit.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Training institutions for girls at Dacca.

1. Mr. DHANANJOY ROY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) how many seats are annually available for (1) Junior and (2) Senior courses of training for girls at the girls' training institution at Dacca; and

(*ii*) the total number of candidates seeking admission into the institution, year by year, since 1935?

(*b*) Is it a fact that after the formation of the present Cabinet there was a proposal made by Miss Peacock, the then Inspectress of Schools, Dacca Circle, for establishing a training college for girls at Dacca?

(*c*) Is it also a fact that His Excellency Sir John Anderson, the then Governor of Bengal, gave an assurance of two lakhs of rupees being granted for the said purpose?

(*d*) Will the Hon'ble Minister be pleased to state whether the said proposal is under the consideration of the Government?

(*e*) If so, when do the Government contemplate giving effect to it?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) A statement is placed on the table.

(*b*) Yes.

(*c*) I have no such information.

(*d*) and (*e*) The proposal is still under consideration.

Statement referred to in the reply to clause (a) (i) and (ii) of unstarred question No. 1, regarding admission into (particulars about seats) the Vernacular Training School, Dacca, from 1935-40.

Year.	(*i*) Number of seats available.			(*ii*) Number of candidates sought. admission.		
	Senior.	Junior.	Total.	Senior.	Junior.	Total.
1935 ..	7	21+22*	28+22=50	31	99	130
1936 ..	9	19+22*	28+22=50	38	111	149
1937 ..	12	20+18*	32+18=50	40	82	122
1938 ..	12	18+20*	30+20=50	49	142	191
1939 ..	14	21+15*	35+15=50	68	133	201
1940 ..	14	17+19*	31+19=50	111	120	231

*Girls who were promoted in the Junior Training Class from First year to Second year.

Provision for hostel for Scheduled Caste students.

2. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what is the Scheduled Castes population in each of the districts of Bengal; and

(*ii*) what is the number of Scheduled Caste students at present reading in each of the following colleges:—

(1) Barisal,

(2) Comilla,

(3) Daulatpur, and

(4) Faridpur?

(*b*) Is the Hon'ble Minister aware that Rs. 32,500 and Rs. 25,000 have been allotted for Scheduled Caste students' hostels at Barisal and Comilla respectively?

(*c*) What steps do the Government contemplate to take for opening Scheduled Caste students' hostels in equally needed districts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) A statement containing the information is laid on the table.

(*ii*) The latest figures received from the Principals are—

(1) 97 in Barisal College;

(2) 37 in Comilla College;

(3) 96 in Daulatpur College; and

(4) 37 in Faridpur College.

(*b*) Yes.

(*c*) 30 Scheduled Caste hostels have been allowed. Grants-in-aid for two years and hostel building grants amounting to Rs.20,000 are being distributed to 21 Scheduled Caste hostels towards repairs and construction work.

Statement referred to in the reply to clause (a) (i) of unstarred question No 2, regarding population of Scheduled Castes, district by district.

Name of district.	Total Scheduled Castes population.
Burdwan	601,114
Birbhum	343,805
Bankura	448,292
Midnapore	604,190
Hooghly	341,891
Howrah	236,754
24-Parganas	820,242
Calcutta	107,194
Nadia	180,256
Murshidabad	201,048
Jessore	321,696
Khulna	533,837
Rajshahi	137,384
Dinajpur	554,381
Jalpaiguri	513,346
Darjeeling	49,451

Name of district.	Total Scheduled Castes population.
Rangpur	537,271
Bogra	80,092
Pabna	129,554
Malda	182,455
Dacca	449,846
Mymensingh	482,149
Faridpur	494,462
Bakarganj	411,935
Tippera	322,885
Noakhali	78,404
Chittagong	60,867
Chittagong Hill Tracts	700

Mr. ADWAITA KUMAR MAJI: আমি জানতে চেয়েছি মাননীয় শিক্ষামন্ত্রী মহাশয় scheduled castesদের লোক সংখ্যার অনুপাতে শিক্ষার ব্যবস্থা কি কোরেছেন? তিনি যে উত্তর দিয়াছেন সেটা ঠিক উত্তর হয় নাই। আজ আমি তাই জান্‌তে চাই যেখানে যেখানে তাদের লোক সংখ্যা বেশী সেই সকল জেলায় scheduled castesদের শিক্ষার জন্য কি ব্যবস্থা তিনি কোরেছেন।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe all the questions have been fully answered.

Application of section 99 of Bengal Cess Act in respect of Gharialdanga Estate, police-station Lalmonirhat, Kurigram.

3. Kazi EMDADUL HAQUE: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that section 99 of the Cess Act of 1880 has been applied to the Estate of the zemindars of Gharialdanga in Pargannah Bushatti, police-station Lalmonirhat, subdivision Kurigram, district Rangpur?

(*b*) If so, what is the amount of the cess for which the Estate has been attached?

(*c*) Will the Hon'ble Minister be pleased to state whether any steps were taken by the Government for the realisation of the arrear cess from the zemindars before taking action under section 99 of the Cess Act of 1880?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Rs.7,476-9-4.

(*c*) Yes. The Certificate Procedure was used, including the garnishee rules, but without success.

Kazi EMDADUL HAQUE: Will the Hon'ble Minister be pleased to state what steps had been taken for realisation of the arrear cess from the tenants of the estate concerned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Readjustment of the jurisdiction of Kathiadi and Bajitpur sub-inspectorates.

4. Khan Sahib HAMIDUDDIN AHMED: (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that Bhairab police-station (Mymensingh) is within the jurisdiction of the Sub-Inspector of Schools of Kathiadi;

(*ii*) that the geographical position of Bhairab is such that the Sub-Inspector of Kathiadi is to go to Bhairab crossing over another thana within the sub-inspectorate of Bajitpur;

(*iii*) that there exists a feeling amongst the public of Bhairab over the question of transfer of Bhairab to the Bajitpur sub-inspectorate; and

(*iv*) that they have represented to the authority for the transfer and readjustment of the jurisdiction of Kathiadi and Bajitpur sub-inspectorates?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) to (*iii*) Yes.

(*iv*) No such representation has been received.

(*b*) The matter is under the consideration of the Inspector of Schools, Dacca Range.

Temporary Laboratory Assistant of the Islamia College, Calcutta.

5. Khan Bahadur AULAD HOSSAIN KHAN: (*a*) With reference to the reply given to unstarred question No. 3 on the 15th July, 1940, will the Hon'ble Minister in charge of the Education Department be pleased to state whether the temporary Laboratory Assistant of the Islamia College, Calcutta, has since been discharged? If not, why not?

(*b*) When is the vacancy likely to be filled up permanently?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) The temporary Laboratory Assistant has not yet been discharged as it has not been possible to select a suitable candidate for the post.

(*b*) As soon as a suitable candidate for the post is selected.

Discontent among krishaks of certain parts of Jalpaiguri.

6. Babu KHAGENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that several persons in Boda and Debiganj police-stations in Jalpaiguri district have recently been served with notices of warning by the Deputy Commissioner, Jalpaiguri, that if they persist in doing acts prejudicial to public order, viz., stirring up discontent among the krishaks of Boda, Pachagar and Debiganj police-stations and their surroundings, action will be taken against them under the Defence of India Rules?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether there is at present any discontent or trouble persisting among the krishaks of those thanas?

(*c*) If so, what is its nature?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) It is reported that the situation is at present quiet.

(*c*) Does not arise.

Mr. ATUL KRISHNA GHOSE: With reference to answer (*b*) will the Hon'ble Minister be pleased to state whether the trouble concerned was an economic issue or a political issue?

The Hon'ble Khwaja Sir NAZIMUDDIN: Our information is that the trouble was based on political issue, and economic issue was made an excuse.

Mr. ATUL KRISHNA GHOSE: Are we to understand that even on economic issues the Government of Bengal will take advantage of the Defence of India Rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir. But in this particular case Government were taking every step to see that the economic issue was satisfactorily settled by the persons who were against each other.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what information the Government received from that quarter which led them to believe that it was not an economic issue but a political issue?

The Hon'ble Khwaja Sir NAZIMUDDIN: I sent for the Commissioner of the Division and the District Magistrate and discussed the situation with them——

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the places in question belong to the zemindary of one of the Hon'ble Ministers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, the answer is in the negative, but I would ask for notice.

Inconvenience to passengers of several steamerways of Bengal.

7. **Maulana Md. MUNIRUZZAMAN ISLAMABADI:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that arrangements in the ferry and service steamers plying between—

(1) Chandpur—Goalundo,

(2) Narayanganj—Goalundo,

(3) Sirajganj—Jagannath Ghat,

(4) Barisal—Chandpur, and

(5) Khulna—Barisal,

are not satisfactory;

(*ii*) that the accommodations are inadequate; and

(*iii*) that there are no separate bathroom and latrine for intermediate class passengers?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) No.

(*ii*) I am informed that the accommodation is not only adequate but invariably far more than is required.

(*iii*) There is no separate bathroom arrangement for the intermediate class passengers but on some of the vessels a shower bath is provided for the lower class passengers whilst all vessels have pumps provided for bathing purposes. There are separate latrines for the third and intermediate class female passengers and adequate other latrines for third and intermediate class males.

(*b*) Does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state whether he has got the information from his personal experience of having travelled in the lower class steamer service, and, if not, what is the source of his information?

Mr. SPEAKER: There is no mention of lower class.

Mr. NIHARENDU DUTTA MAZUMDAR: In answer (*a*) (*ii*), the Hon'ble Minister says "I am informed that the accommodation is not only adequate but invariably far more than is required". I am asking the Hon'ble Minister to state whether he has given this information from personal experience of having travelled in the intermediate or lower class steamer service, and, if not, what is the source of his information?

Mr. SPEAKER: His information has been received from the company—they are not State service.

Mr. NIHARENDU DUTTA MAZUMDAR: I am asking for the source of his information.

Mr. SPEAKER: It is quite clear that the information has been received from the company.

Mr. NIHARENDU DUTTA MAZUMDAR: I am asking for the source of his information when he says that the accommodation is more than adequate.

Mr. SPEAKER: I am sorry, if you are not satisfied with the answer, you can certainly place facts to show the inadequacy and you can ask for further enquiry from Government.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), will the Hon'ble Minister be pleased to state if Government is considering the desirability of having Local Advisory Committees set up as there are Advisory Committees in connection with railway travelling to enable the public to be assured of comfortable service and arrangements?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I may submit that this question does not arise out of the question before us. I have faint recollection that there are Advisory Committees attached to each of the steamer services and we have made reference from time to time to certain persons regarding complaints made about facilities provided in steamers.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government would consider the desirability of making enquiry—as he has just strained his imagination or recollection—whether there are actually any Advisory Committees on these services other than on those run by the respective railways concerned?

The Hon'ble Mr. H. S. SUHRAWARDY: I was not taxing my imagination—I was taxing my memory and I have just been informed that my memory has not played me false. There are Advisory Committees in Dacca, Chittagong and Barisal. But I am quite prepared to consider the question of establishing Advisory Committees if they are not in existence.

Mr. ATUL CHANDRA SEN: With reference to answer (*a*) (*ii*), will the Hon'ble Minister consider the desirability of taking steps to enquire whether the information, viz., that accommodation is more than adequate, is correct?

The Hon'ble Mr. H. S. SUHRAWARDY: I have made enquiries. This is a question not so much of personal experience as of figures. There is certain space which is considered to be the standard space in these steamers and then from the sales of tickets we can find out whether the steamer is usually over-crowded or not. By this means it has been ascertained that the accommodation is adequate.

Mr. Syed JALALUDDIN HASHEMY: With reference to answer (*a*) (*iii*), that shower bath is provided for the lower class passengers

in vessels running in lines mentioned in (1), (2), (3), (4) and (5), will the Hon'ble Minister be pleased to state in which vessels is it provided?

The Hon'ble Mr. H. S. SUHRAWARDY: If the honourable member so desires, I am quite prepared to pursue this question.

Mr. ATUL CHANDRA SEN: With reference to answer (*ii*), if I tell the Hon'ble Minister from my personal experience that in some instances in the Narayanganj-Goalundo service there is not even standing accommodation, will he be pleased to make an enquiry?

Mr. SPEAKER: He is concerned with the average where the total space is divided by the total number of passengers.

Stipends for Scheduled Caste students.

8. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) on what basis or principle the school stipends for the Scheduled Caste students, reading in top four classes of high English schools, were last distributed among the different Divisions of the Province;

(*ii*) the number of such stipends granted in each district of the Province;

(*iii*) whether those stipends were meant for the deserving Scheduled Caste students of both Dacca and Calcutta Universities; and

(*iv*) whether the deserving students of the top four classes reading in the recognised high English schools under the Board of Intermediate and Secondary Education, Dacca, were entitled to get such school stipends?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, how many students, coming from which schools, have received those stipends?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) On a divisional basis in proportion to the number of Scheduled Caste pupils in the top four classes of schools under each Divisional Inspector of Schools.

(*ii*) A statement is laid on the table.

(*iii*) No. They were school stipends.

(*iv*) Yes.

(*b*) Two students of the Dacca Collegiate School have been given stipends.

Statement referred to in the reply to clause (a)(ii) of unstarred question No. 8.

Districts.	For boys.	For girls.
Dacca	75	1
Mymensingh	60	1
Rajshahi	12	..
Pabna	35	..
Bogra	22	..
Rangpur	54	1
Dinajpur	20	1
Jalpaiguri	59	1
Darjeeling	1	..
Malda	14	..
Bakarganj	265	2
Faridpur	126	1
Chittagong	17	..
Noakhali	22	..
Tippera	48	2
Calcutta	6	9
24-Parganas	191	..
Khulna	143	3
Jessore	50	..
Nadia	25	..
Murshidabad	26	..
Burdwan	36	..
Howrah	41	..
Hooghly	43	3
Birbhum	11	..
Bankura	20	..
Midnapore	37	1

Scheduled Castes representation on Institutions in the district of Burdwan.

9. Mr. ADWAITA KUMAR MAJI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the present number of—

(*i*) high English schools,
(*ii*) middle English schools,
(*iii*) junior madrasahs, and
(*iv*) senior madrasahs,

in the district of Burdwan?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names,

(*ii*) the amount of monthly grants of the—

(1) District Board of Burdwan, and

(2) the Government of Bengal,

separately for each school:

(*iii*) the number of students on the roll on the 31st March, 1940, showing separately the number of—

(1) Scheduled Castes, and

(2) Muslim students; and

(*iv*) amount of special stipends received by the Scheduled Caste students in each school?

(*c*) How many of these institutions are managed by the Committee consisting mainly of—

(1) Muslims; and

(2) Scheduled Castes?

(*d*) Is the Hon'ble Minister considering the desirability of making any arrangement for reserving the membership of Scheduled Castes in a Managing Committee as is done in case of the Muslims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) 61 (including two girls' high English schools).

(*ii*) 112 (including two girls' middle English schools).

(*iii*) 7.

(*iv*) Nil.

(*b*) A statement furnishing the information is laid on the Library table.

(*c*) Number of schools managed mainly by—

(1) *Muslims*—

High English schools	...	2
Middle English schools	...	6
Junior madrasahs	...	7
Senior madrasahs	...	Nil

(2) *Scheduled Castes*—

High English schools	..	Nil.
Middle English schools	..	
Junior madrasahs	...	
Senior madrasahs	..	

(*d*) There is no reservation of seats for Muslims in Managing Committees of Schools. The question of adequate representation of both Muslims and Scheduled Castes on them is receiving the consideration of Government.

Qualifications for appointment as Head Maulvis and Second Maulvis.

10. Mr. SYED AHMED KHAN: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any standard qualifications have been prescribed for appointment to the posts of the Head Maulvi and the Second Maulvi of the Government and Government-aided high schools in Bengal?

(*b*) If so, what are these?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): A statement showing the qualifications required of candidates for appointment as Head Maulvis and Second Maulvis of Government high English schools as prescribed under the Bengal Subordinate Educational Service Recruitment Rules, 1940, is placed on the table.

No qualifications have been prescribed for the appointment of Head Maulvis and Second Maulvis in aided high schools. In terms of section 2 (*b*) of Chapter XXI of the Calcutta University Regulations, the qualifications of the teachers should be satisfactory to carry on the course of instructions in the subject with which they are entrusted.

Statement referred to in the reply to unstarred question No. 10.

Head Maulvi.—Master's degree (not below Class II) or Bachelor's degree with Honours in Classical subjects concerned of a recognised University or Bengal Title Examination in Classical subjects concerned or Bengal Final Madrasah Examination or its equivalent with adequate knowledge of English and Bengali or Urdu (or both).

Second Maulvi.—Title Examination in a classical subject or Bengal Final Madrasah qualification or its equivalent with Matriculation certificate and adequate knowledge of a local vernacular.

Grants-in-aid to girls' institutions in Presidency and Burdwan Divisions.

11. Khan Bahadur A. F. M. ABDUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the Presidency and Burdwan Divisions—

(*a*) the present number of—

(1) Hindu, and

(2) Muslim,

secondary schools for girls;

(*b*) the present number of—

(1) Hindu, and

(2) Muslim,

non-Government secondary schools for girls receiving aid from the Government;

(*c*) the amount of grant received by such schools with their names;

(*d*) the present number of primary Government schools for girls; for—

(1) Hindus, and

(2) Muslims; and

(*e*) the present number of primary schools for girls for—

(1) Hindus, and

(2) Muslims,

receiving Government grants with their names and amount of grant?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): Three statements which supply the required information have been placed on the Library table.

Adjournment Motion.

Dr. NALINAKSHA SANYAL: Sir, I beg to move the adjournment motion for which you have been pleased to give your consent, with reference to the notification of the Home Department, dated the 25th November, 1940, prohibiting absolutely the printing or publishing within the province of Bengal matters connected with the hunger strike of prisoners in jail as mentioned in the said order. May I have the leave of the House for it? I may in this connection submit for your consideration that we on this side of the House have two motions given notice of to which you have been pleased to give your consent. We do not want to take up much time of the House or we do not want the Hon'ble Minister in charge to labour himself independently on the two motions. The two motions are almost identical.

Mr. SPEAKER: Not identical.

Dr. NALINAKSHA SANYAL: Almost identical, Sir, save and except in the case of Mr. Dutta Mazumdar's motion a reference is made also to the hunger strike, whereas in my motion I have tried to confine myself only to the notification, not going into the merits of the hunger strike at all. I am entirely placing myself in your hands. Whichever of these two motions will be acceptable to you or admissible after taking in the opinion of the Hon'ble Minister, we will be prepared to withdraw the other motion.

Mr. SPEAKER: Sir Nazimuddin, have you anything to say on the question whether the motion is in order or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I submit that in my opinion the motion of Dr. Nalinaksha Sanyal is not in order for the reason that the policy of Government as regards the publication of a notice of the character which has been published or rather issued was enunciated by Government as long ago as September 15th, 1939 in a communique issued by Government as to the policy they will pursue in the event of a hunger strike. Sir, I want to read out with your permission the relevant portion announcing the policy as to how Government will deal with future hunger strikes, because the whole communique is very long.

Dr. NALINAKSHA SANYAL: May I know the date of the communique?

The Hon'ble Khwaja Sir NAZIMUDDIN: 15th September, 1939. It was announced then that if circumstances so require they will take

all such steps as they consider proper to prevent the publication in the press of any matter relating to hunger strikes or hunger strikers and also to prevent all demonstrations or agitations in that connection. Sir, Government having taken the trouble to announce their policy and for so long a time, I submit that giving effect to that policy does not create any new situation and is not one that comes within the purview of a motion to be discussed under an adjournment motion.

Rai HARENDRA NATH CHAUDHURI: Is policy a matter of occurrence?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was not objected to. The Assembly had the chance. If they wanted to disapprove the policy, they could have done so.

Rai HARENDRA NATH CHAUDHURI: The statement of policy is not a matter of occurrence.

Dr. NALINAKSHA SANYAL: May I submit that the Hon'ble the Minister in charge of the Home Department has only made a reference to a particular statement of a particular method that the Government proposed at the time with reference to a particular hunger strike of prisoners or prisoners connected with that hunger strike, and——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it will save much time of the House if it is made clear that this communique was published after the hunger strike was over, declaring as a general policy as to how Government would act on future occasions if there was a hunger strike.

Dr. NALINAKSHA SANYAL: Sir, I may draw your attention to the fact that I have tried to confine myself to a recent occurrence. A statement of a policy, whatever that policy might be, which might not have been at that moment pursued upon or might not have actually led up to an occurrence is not at issue. It is an occurrence as a result probably of that policy which has necessitated the raising of a discussion on that occurrence, namely this notification. Further, Sir, I submit that the power by virtue of which this notification appears to have been issued, namely the Defence of India Rule 41 (*1*), has a little bit of history behind it. On the 5th of September, 1939, by a Gazette Notification, dated the 4th September, 1939, the order relating to the issue of Ordinance No. 5 of 1939, empowering the Government of India to frame these rules was issued. On the following day——

Mr. SPEAKER: Order, order. I should like to hear what the Hon'ble the Home Minister has got to say on the point of urgent public importance.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I maintain that this is not a matter of urgent public importance in view of the fact that it is simply giving effect to a declared policy of Government. Everybody knows how it is going to be done, and it was never before criticised or objected to.

Dr. NALINAKSHA SANYAL: Sir, such an objection has hardly any basis. We have declared policies about section 144, but it is the actual issue of an order under section 144 that leads to a particular occurrence. The occurrence is a recent occurrence. The policy of Government is not a matter with which we are concerned now. We are concerned with the present order whether that order has been proper or not. Even assuming that the issue of the order was proper at that time I submit that this order has been given at a time when, as I have already stated in my short statement, it is reported that a large number of prisoners have been on hunger strike.

The Hon'ble Khwaja Sir NAZIMUDDIN: This has nothing to do with the question. I submit that it is only the question of policy that need be discussed.

Rai HARENDRA NATH CHAUDHURI: It is the order that has been promulgated that is under discussion.

Mr. SANTOSH KUMAR BASU: Are we to understand, Sir, that the policy of Government enunciated some years ago has got the sanctity of codified law of the land and that it cannot be questioned at any later date because it will be hit by the relevant rules of procedure of the Assembly? Secondly, Sir, even though the policy was enunciated some years ago, the application of that policy to a particular case is always a matter of recent occurrence, and I submit that it may very well form the subject of an adjournment motion if it satisfies the other conditions. I submit it is just possible for Dr. Sanyal to make out a case in the course of the discussion that the application of the policy which was enunciated years ago is wholly unjustifiable in the present circumstances. I submit, Sir, that those prohibitory provisions with regard to recent occurrence, etc., will have no application whatsoever simply, because, the policy was enunciated long ago. In relying upon those provisions, the Hon'ble Sir Nazimuddin is leaning against a broken reed.

Mr. NIHARENDU DUTTA MAZUMDAR: May I submit something, Sir, with regard to the point raised by Sir Nazimuddin?

Mr. SPEAKER: It will be impossible for me to carry on if I allow a full-dress debate on this point. It is desirable that only the Leader of the House or the Leader of the Opposition or the member who wants to move the motion should speak. If I allow you, Mr. Abu Hossain Sarkar may ask "Why should I not also get an opportunity?" (Laughter). Besides, I feel that you are suffering from sore throat; so please do not raise your voice (laughter).

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, subject to correction, I say that the principle underlying an adjournment motion is that if the Assembly had no previous opportunity to discuss a question and that question has arisen, then only the Assembly can raise that question by means of an adjournment motion; because an adjournment motion is a very serious matter as it suspends all other business of the House. You are allowed to do that only if the Assembly had not had an opportunity of expressing an opinion on that subject——

Rai HARENDRA NATH CHAUDHURI: What subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that as far as this question is concerned, Government announced and informed the public and the members of this House that if this occasion arose the House might propose to deal with the situation. Honourable members had ample opportunity by means of a resolution, or by means of a cut motion on the occasion of the budget, to criticise the policy of Government.

Mr. SPEAKER: Are you not discussing the question in vacuum? It is arguing on pure hypothesis, namely, if such circumstances had taken place, then such things could have been done. But the point is that when this was first issued it was issued in the nature of a mere notice to the public, namely, that in the case of a contingency happening, Government would exercise their powers.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is a question of opinion. In view of that notice and the Assembly having an opportunity to let Government know whether they disapproved of the Government policy and thus preventing Government from passing this, but having refused to take that action, I submit, Sir, that honourable members are now estopped from raising that question.

Mr. SPEAKER: I have heard both sides of the case and if I had allowed one or more lawyers to speak, it would have probably made the case worse for both sides. I do not, however, agree with Sir Nazimuddin on the point that in the circumstances of the case, this cannot be the subject-matter of discussion in the House. It is said that a press communiqué was issued as late as the 5th September, 1939, informing the public as to what the Government attitude should be. But that was then a question of mere expression of opinion. The present question is that Government has, in view of a certain situation arising, exercised that power. Until that power is actually exercised, how can the House discuss it? Government could very well reply in that case: "We have not yet done it. As to when we shall do it, it all depends on the circumstances as to whether such and such things happened." I feel that a mere expression of opinion in a matter like this cannot usually be the subject-matter of an adjournment motion until the actual contingency arises. For example, if a Magistrate merely issues a warning that he will take recourse to shooting if certain incidents happen, that cannot be a subject-matter of any legal action by itself. Again there is another sentence in the communiqué, viz., "if circumstances so require Government will take such steps as it may consider proper to prevent publication in the press." I admit so far that Government by this can claim that they have announced the policy that they will prevent the publication. The question still arises whether the exercise of power by Ordinance is the proper method or any other step should have been the proper method. That can be the subject-matter of discussion in this House. Another thing is this: Government have said "if circumstances so require." Now, the House can certainly discuss whether the present circumstances are such that require the exercise of these powers. I, therefore, feel that the adjournment motion is in order, but as there is objection, I shall ask those who support the motion to rise in their seats.

(More than the requisite number of members rose in their seats.)

I hold that the motion is in order.

As regards the time for the discussion of the motion, I want to say that the House knows very well that the Government of India will convene a conference to discuss the jute situation on the 4th December, and it is necessary that some of the Hon'ble Ministers should go on Monday at the latest. So I suggest that so far as the Finance Bills are concerned, we might finish the discussion by Monday. What I think is this; that in case it becomes possible to finish the discussion on the first Bill by half past five, we shall be able to take the adjournment motion at 5-30; if not, we shall take it up at 6 o'clock.

GOVERNMENT BILL.

Bengal Touts Bill, 1937.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I beg to present before the House the Report of the Select Committee on the Bengal Touts Bill, 1937.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Ordinance, 1940.

The Hon'ble Khwaja Sir NAZIMUDDIN: As required by section 88(2)(a) of the Government of India Act, 1935, I hereby lay before the House the Bengal Legislature (Removal of Disqualifications) (Amendment) Ordinance, 1940, dated the 30th October, 1940.

The Bengal Tenancy (Amendment) Bill, 1940.

MESSAGE FROM THE GOVERNOR.

Mr. SPEAKER: The following is the message from His Excellency the Governor of Bengal under section 75 of the Government of India Act, 1935, relating to the Bengal Tenancy (Amendment) Bill, 1940.

Mr. NALINI RANJAN SARKER: On a point of order about this message, Sir. My point of order is that a message as circulated to this House in two instalments cannot both be read. My first objection is that under section 75 of the Government of India Act His Excellency the Governor can return a Bill with a message, and that message——

Mr. SPEAKER: The second portion is a typing mistake. The first portion makes it absolutely clear.

Mr. NALINI RANJAN SARKER: Is it the mistake of your office?

Mr. SPEAKER: No.

Mr. NALINI RANJAN SARKER: In that case also my submission is that it is irregular, for the reason that the corrigenda as circulated has been signed by the Secretary of the Legislative Assembly

and does not bear the signature of His Excellency the Governor, so it cannot form a part of the message. It is like amending the original message for which there is no provision in the Act.

Mr. SPEAKER: This is a typing mistake. You were yourself Finance Minister and you know the position.

Mr. NALINI RANJAN SARKER: Even assuming that His Excellency has power to correct his message, the corrigenda does not bear his authority.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The message makes it absolutely clear as to what was the intention of the amendment.

Mr. SPEAKER: The message is received by the Speaker and it is to his satisfaction as to whether it is a correct message or not. I am satisfied that it is a typing mistake. The message is as follows:

"The Bengal Tenancy (Amendment) Bill, 1940, has been passed by both Chambers of the Bengal Legislature and has been presented to the Governor in accordance with section 75 of the Government of India Act, 1935. Having given my most careful attention to the Bill, I am of opinion that it is my duty to return it to the Legislature in accordance with the proviso to the said section and to request the Chambers to consider it in regard to the following points.

Section 26G(*1*) of the Bengal Tenancy Act renders void every usufructuary mortgage (other than a complete usufructuary mortgage) entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928. It is clear from section 58, Transfer of Property Act, 1882, that mortgages by conditional sale, English mortgages and anomalous mortgages are distinguishable from usufructuary mortgages. Therefore section 26G(*1*) does not affect a mortgage of any one of these three types. Clause 3(*1*) of the Bill converts into a complete usufructuary mortgage a mortgage of any one of these three types entered into before the commencement of the Bengal Tenancy (Amendment) Act, 1928, and subsisting on 1st August, 1937, if possession of land was delivered to the mortgagee. Clause 3(*2*) of the Bill renders void any such mortgage (other than a complete usufructuary mortgage) entered into after the enactment of the Bill. No provision has been made for a mortgage of any one of these three types entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928, and before the enactment of this Bill. This lacuna is anomalous.

Secondly, in consequence of the amendments made by clauses 3(*1*) and 3(*2*) an amendment of section 26G (*4*) is required in order to render receivable in evidence certain mortgages other than complete usufructuary mortgages and usufructuary mortgages when possession of land is delivered to the mortgagee.

Thirdly, as clause 3(*13*) of the Bill stands at present, it implies that there shall be no appeal from decrees passed in suits valued at more than Rs. 5,000. It is necessary to make it clear that an appeal should lie in every case in accordance with the provisions of the Code of Civil Procedure, but that as proposed in the Bill, the period of limitation in respect of an appeal to the District Judge should be extended to 3 months.

Fourthly, in clause 5 of the Bill in the proviso to clause (*a*) of sub-section (*1*) of the proposed section 168A the words 'of the temporary settled estate' appear to be unsuitable. It further appears necessary to provide that the effect of this proviso should be limited to cases in which the term of the tenancy expires other than by reason of surrender.

After due consideration, therefore, I have decided to recommend to the Bengal Legislative Chambers that the Bill be amended in the manner stated in the following recommendation, and I appoint the Hon'ble Sir Bijoy Prasad Singh Roy, Minister in charge of Revenue Department, to be the Member in charge of the Bill.

In pursuance of the provisions of the proviso to section 75 of the Government of India Act, I, John Arthur Herbert, Governor of Bengal, do recommend to the Bengal Legislative Chambers that they do amend the Bengal Tenancy (Amendment) Bill, 1940, by the adoption, without further amendments, of the following amendments, that is to say,—

(*1*) For sub-clause (*1*) of clause 3 of the Bill the following be substituted, namely:—

(*1a*) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract, every mortgage (including a mortgage by conditional sale) entered into by an occupancy-*raiyat* in respect of his holding or of a portion or share thereof in which possession of land is delivered to the mortgagee—

(*a*) which was so entered into before the commencement of the Bengal Tenancy (Amendment) Act, 1928, and was subsisting on or after the first day of August, 1937,

(*b*) or which, being other than a usufructuary mortgage having under sub-section (*1*) no force or effect, was so entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928, and before the commencement of the Bengal Tenancy (Amendment) Act, 1940, and was subsisting on or after the commencement of the Bengal Tenancy (Amendment) Act, 1940,

shall be deemed to have taken effect as a complete usufructuary mortgage for the period mentioned in the instrument or for fifteen years whichever is less."

(*2*) After sub-clause (*2*) of clause 3 of the Bill the following sub-clause be inserted, namely:—

"(*2A*) in sub-section (*4*)—

(*a*) in clause (*b*) after the words 'complete usufructuary mortgage' the word 'or' shall be inserted;

(*b*) after clause (*b*) the following clause shall be inserted, namely:—

'(*c*) a mortgage of such holding, portion or share (other than a complete usufructuary mortgage or a usufructuary mortgage referred to in clause (*b*)) in which possession of land is delivered to the mortgagee,' and

(*c*) for the proviso the following shall be substituted, namely:—

'Provided that—

(*i*) a document referred to in clause (*a*) or (*b*) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1928, or

(*ii*) a document referred to in clause (*c*) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1940,

may be so received in evidence or so acted upon as a complete usufructuary mortgage for the period mentioned therein or for fifteen years, whichever is less.' " . . . .

(3) In sub-clause (5) of clause 3 of the Bill, for the proposed sub-section (13) the following sub-section be substituted, namely:—

"(13) The provisions of the Code of Civil Procedure, 1908, relating to appeals shall apply to all decrees or orders made under sub-sections (10) and (11), but notwithstanding anything contained in the Indian Limitation Act, 1908, or in this Act, the period of Limitation for an appeal to the Court of a District Judge against any such decree or order shall be ninety days from the date of the decree or order appealed from."

(4) In clause 5 of the Bill, in the proviso to clause (a) of sub-section (1) of the proposed section 168A, for the words "if the term of the tenancy of the temporary settled estate" the following words be substituted, namely:—

"if, in any manner other than by surrender of the tenure or holding, the term of the tenancy."

J. A. HERBERT,

Governor of Bengal.

GOVERNMENT HOUSE:

The 11th November, 1940.

Nomination on the Select Committee of the Calcutta Municipal (Amendment) Bill, 1940.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, before the Bills are proceeded with, may I draw your attention to Circular No. 251 purporting to communicate to us that you have been pleased to nominate two members, viz., Mr. J. N. Gupta and Mr. Pulin Behary Mullick, on the Select Committee of the Calcutta Municipal (Amendment) Bill, 1940, to fill up the vacancies caused by the resignation of Maharajkumar Uday Chand Mahtab and Mr. Hem Chandra Nasker. May I submit that in accordance with rules 126(2) and 112(3), it is desired that before such nomination is made, you would kindly consult the party concerned and as far as possible select persons to fill up such vacancies from amongst the members of that party?

Mr. SPEAKER: I might explain to you that the whole position is—it must be from the party, if possible, from which the member was selected——

Dr. NALINAKSHA SANYAL: As a matter of fact, it was on that distinct assurance that we placed ourselves at your hands.

Mr. SPEAKER: As a matter of fact, I asked everybody of that party whether he was willing to serve but nobody was willing and naturally I had to fall back on these two members as, under the rules, I have to fill up the vacancies.

Dr. NALINAKSHA SANYAL: I submit that under the rules there was no obligation on the Chair to nominate the two members and you, Sir, know the special circumstances in which these members chose to resign.

Mr. SPEAKER: The rule says, "vacancies shall be filled" and not "may be filled". So, it was not my own choice that I did it. I was told that under the rules I must do it. Anyway, I have explained the whole thing. As none of the party was willing to serve on the Committee, I had to nominate these two members.

The Bengal Secondary Education Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I move the motion standing in the name of the Hon'ble Mr. A. K. Fazlul Huq?

Dr. NALINAKSHA SANYAL: On a point of order, Sir. With reference to Bills, it is distinctly laid down that unless the member in charge nominates another member in the case of a Government Bill, I know the Secretary will show me that the member in charge may be any other Minister——.

Mr. SPEAKER: It is only for the purpose of extending the time.

Dr. NALINAKSHA SANYAL: That is a very vital matter. So far as this Bill is concerned, it is not a matter of mere formality. I submit in a Bill of this character where the whole country had with one voice launched their protest, the extension of time cannot be granted by the House without sufficient reasons therefor being given and without sufficient discussion.

Mr. SPEAKER: The difficulty is that under the rule the member in charge of the Bill in the case of a Government Bill is any member acting on behalf of Government. That is the definition. It is not necessary that a particular Minister should move it. Anybody can move it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the time for presentation of the report of the Select Committee on the Bengal Secondary Education Bill, 1940, be extended till the 15th January, 1941.

Mr. SPEAKER: The question before the House is——.

Dr. NALINAKSHA SANYAL: Before you put the motion I——.

Mr. SPEAKER: Do you want to record your protest?

Rai HARENDRA NATH CHAUDHURI: Yes, Sir. We want to record our protest. The House will remember that there was a motion from this side of the House that the Bill should be circulated for eliciting public opinion by the 31st December, 1940. Government in the plentitude of their wisdom or in their anxiety to rush the Bill through the House did not condescend at that time to accept that motion and now they are coming forward to extend the time for the submission of the Select Committee report up to the 15th January, 1941. Sir, I submit that this is not dealing fairly with this House. Government at that time showed to the House that they were anxious to have an early legislation. My submission is that it was simply to deny the country an opportunity to express its opinion on the Bill that the Government then pretended that it was necessary to rush the Bill through. Now, Sir, they are finding it difficult even to finish the consideration of the Bill in the Select Committee.

Dr. NALINAKSHA SANYAL: There has not been any meeting of the Select Committee.

Rai HARENDRA NATH CHAUDHURI: There has been no meeting of the Select Committee as yet I understand and still the Government are obdurate and will not relent and consult public opinion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid my honourable friend has only given the half truth. Because the Hon'ble Chief Minister in moving the motion for referring the Bill to Select Committee made it perfectly clear that Government were willing and they proposed to circulate the Bill for eliciting public opinion after the Bill had been referred to Select Committee.

Rai HARENDRA NATH CHAUDHURI: You are misinterpreting.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As a matter of fact, the Bill has been circulated for eliciting public opinion and the Calcutta University, I understand, has not been able to finish the consideration of the measure. They made a request to Government to extend the time. That is one of the main reasons why the Select Committee could not meet and take up consideration of the Bill.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the time for presentation of the report of the Select Committee on the Bengal Secondary Education Bill, 1940, be extended till the 15th January, 1941, was then put and agreed to.

The Bengal Motor Spirits Sales Taxation Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Before I move these Bills, may I say a word or two with regard to the time table?

Mr. SPEAKER: What I propose to do is to finish the Bengal Motor Spirits Sales Taxation Bill to-day and take up the other Bill to-morrow. In case we find the discussion is going to be very long, we might have a short session on Saturday in the morning.

The Hon'ble Mr. H. S. SUHRAWARDY: It is imperative that we should go to Delhi because we hope to bring something, when we come back.

Dr. NALINAKSHA SANYAL: Delhi-ka laddu!

Mr. SPEAKER: It may be necessary to have a morning session on Saturday.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to introduce the Bengal Motor Spirits Sales Taxation Bill, 1941.

(The Secretary then read the short title of the Bill.)

I beg also to move that the Bengal Motor Spirits Sales Taxation Bill, 1941, be referred to a Select Committee consisting of—

(1) Khan Sahib Maulvi Hatemally Jamadar,

(2) Mr. Mia Abdul Hafiz,

(3) Dr. Mofizuddin Ahmed,

(4) Khan Bahadur Abidur Reza Chowdhury

(5) Mr. Aftab Ali,

(6) Mr. Birat Chandra Mandal,

(7) Sir Hari Sanker Paul,

(8) Mr. J. F. Sinclair——

Mr. SPEAKER: Order, order. Have you taken previous permission to include Mr. Sinclair's name.

The Hon'ble Mr. H. S. SUHRAWARDY: I am just going to ask for your leave, Sir, to insert the name of Mr. Sinclair in place of Mr. Marindin and also at some subsequent period after we have received the names from the Congress Party as to which of their members are prepared to serve on the Committee to have their names inserted. We have not their names up till now and I cannot do so now.

(9) Mr. Syed Ahmed Khan, and

(10) the Hon'ble Mr. H. S. Suhrawardy,

with instructions to submit their report by the 21st December, 1940, the number of members forming the quorum being four.

The Bill itself, Sir, is very simple and I think that my task in recommending its acceptance by the House is also very simple. We are not calling upon the motorists of the province or the bus owners or the taxi owners to pay a tax which their brethren in other parts of India are not paying. Every Provincial Government, Sir, in India except those of Bengal and Orissa has already levied a tax on the sale of motor spirit.

Dr. NALINAKSHA SANYAL: At what rate?

The Hon'ble Mr. H. S. SUHRAWARDY: From one anna to one anna and six pies.

Rai HARENDRA NATH CHAUDHURI: The Central Provinces has charged five per cent. only.

The Hon'ble Mr. H. S. SUHRAWARDY: Does it really matter?

Rai HARENDRA NATH CHAUDHURI: Yes, it matters.

The Hon'ble Mr. H. S. SUHRAWARDY: Presumably my honourable friend drives a heavy car which consumes more petrol.

Mr. SPEAKER: I think yours, Mr. Rai Chaudhuri, is not so heavy as that of the Hon'ble Mr. Suhrawardy!

Rai HARENDRA NATH CHAUDHURI: Quite.

The Hon'ble Mr. H. S. SUHRAWARDY: I can assure my honourable friend that all the proceeds from this tax which my honourable friends will pay from their pockets will go back to them in the shape of motor transport facilities.

Rai HARENDRA NATH CHAUDHURI: Why descend to personalities. Cannot you speak in general terms?

The Hon'ble Mr. H. S. SUHRAWARDY: Before coming to the point, Sir, I may be forgiven if I digress to remind members that this tax has acquired an important place in constitutional history. It was the subject-matter of the first case before the Federal Court of India between the Centre and the provinces. Members may remember that the Government of the Central Provinces and Berar was the first to impose the tax and that as soon as the Bill was passed in that province, the Government of India filed a case before the Federal Court challenging the competence of the Provincial Governments to impose such a tax. You are aware, Sir, that the verdict of the Court was in favour of the provinces. Within a year of the declaration of the verdict a motor spirit sales tax was imposed by every Provincial Government in India except this Government and the Government of Orissa.

In a sense I may claim that this is only nominally a taxation Bill. It does not seek to impose a tax for which there is no *quid pro quo*. The benefit of the expenditure will go to the persons who are being asked to pay the tax. I am merely asking Bengal motorists to give me the wherewithal to provide them with new and better roads.

In the Statement of Objects and Reasons it is stated that for a number of years Bengal was not able to spend in full the amounts allocated annually to this province out of the Central Road Fund.

Rai HARENDRA NATH CHAUDHURI: Why?

The Hon'ble Mr. H. S. SUHRAWARDY: Because there were no comprehensive schemes at that time in existence and it was this Government which received the report of the Special Officer who was appointed to frame comprehensive schemes and make suggestions which are now before Government.

Mr. JOGESH CHANDRA GUPTA: This Government is not acting upon it.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, we are acting up to it. We have got the benefit of the report and this Government is acting up to that report. (Rai HARENDRA NATH CHAUDHURI: Not at all!) The annual expenditure since 1938 on new road construction debitable to the Road Fund has considerably exceeded the annual allocation and expenditure has now reached a level roughly Rs. 12 lakhs more than the amount that we can hope to receive from the Road Fund. To-day we have in the course of construction some 33 projects estimated to cost Rs. 195 lakhs: by the end of the current financial year the

expenditure on these works-in-progress will amount to Rs. 90 lakhs and the balance required to complete will be, therefore, Rs. 105 lakhs. In addition a further 12 projects which are designed to give the province an additional 261 miles of modern roads and which will involve an expenditure of Rs. 148 lakhs have been recommended by the Provincial Board of Communications: those projects are now with the Government of India awaiting their approval. It will be seen then that there are either in course of construction or matured and ready to be put in hand projects involving an outlay of Rs. 250 lakhs. Unless, therefore, the programme is to be slowed down to a level at which we shall not be making full use of our permanent staff, it is essential to maintain construction on the present scale: and for that we must have the additional funds that this Bill is intended to make available.

The price of petrol in Calcutta is Rs. 1-8 per gallon. In Bombay it is Rs. 1-9 and in Madras Rs. 1-9-6. The imposition of this tax will bring the Calcutta price to the Madras figure. This will not constitute any hardship.

Before finally commending the motion to the House I wish to draw the special attention of members to the concluding sentence of the Statement of Objects and Reasons. The proceeds of this tax will be ear-marked for road development and by that I mean new construction. I can assure this House that it is our intention that every rupee of this tax shall be spent on new construction. There is no question of utilising the proceeds of this tax to relieve provincial revenues of any charge that now falls on them. The annual provision made from provincial revenues for road maintenance will not be reduced: in fact the quicker our progress with new construction the more we will have to provide for maintenance, but the provision on this amount will continue to be made as at present from general revenues and the net proceeds of this tax will be earmarked in the same way as allocations received from the Central Road Fund are now earmarked for new construction.

Mr. SPEAKER: There are several motions for eliciting opinion. The Opposition will select as to who will move the motion. It will also be better if seven minutes' time is allotted to each speaker.

Dr. NALINAKSHA SANYAL: Or five minutes.

Mr. SPEAKER: All right, five minutes.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that the Bengal Motor Spirit Sales Taxation Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Sir, the people of this province are already heavily taxed, and the incidence of this tax will fall heavily on the already overtaxed people of this province. The rise in the price of motor spirit will inevitably result in a rise in the price of motor transport service, motor lorry service, etc. Not only that, it will raise the cost of industries which are run by motor fuel. Eventually, the tax which will be levied on motor spirit will have to be paid by the people in general. So, on principle, Sir, I am not in favour of such taxation.

Coming to the merits of the proposal for such taxation, I submit that the proposal should stand at least three tests before Government can come forward and ask this House to vote for such a taxation. The first test is whether the expenses for which the taxation is intended are such as are imminently and unavoidably necessary. Secondly, if so, whether such expenses cannot be met by the retrenchment of the existing expenses of the Government. And the third test is whether the taxation will do more good than harm.

With regard to the first test, I would read a portion of the Objects and Reasons of the Bill, where it is said that "the object of this taxation is to find funds for the construction of new roads with effect from the year 1943". So, Sir, I do not see any reason why Government is in a hurry for raising money by taxation for a purpose which will be carried out with effect from 1943. Then I find the object of this taxation is to supplement the Central Road Fund contribution of Rs. 18 lakhs per year by Rs. 12 lakhs a year.

With regard to the various schemes for the construction of new roads from the Central Road Fund, there are two opinions. One opinion is the opinion of the Provincial Road Development Board which is perhaps to give effect to the recommendation of the Special Officer, Mr. King. The members of this House should know that Mr. King has recommended the construction of many new roads in this province, and it is stated in his report that it will take about 150 years to complete the construction. Mr. King has given first preference to inter-provincial roads, second preference to inter-district roads and third preference to roads to be constructed within the district. If the inter-provincial roads and the inter-district roads are to be finished before the roads within the districts, then I am afraid the people who will pay the tax will reap little benefit out of this taxation even in the course of 50 years. Now, the rural people are of opinion that if the Central Road Fund be distributed annually to the District Boards in proportion to the areas and population of the respective districts, the District Boards can take up the construction of roads which will benefit the rural areas. The demand of the rural people is that roads should be constructed to connect the villages with district and subdivisional headquarters. That demand ought to be satisfied by Government, but instead of paying any

heed to that demand, Government now wants to tax those people who will not reap any benefit out of this taxation. I submit, therefore, that the first test the proposal has not stood.

The second test is whether these are the only sources for raising fund. Government have not said whether they have made sufficient attempts to retrench the expenses of Government at least under the heads "General Administration" and "Police". I have reasons to believe that Government have not made any appreciable attempt to retrench the expenses under those heads. So I submit, Sir, that the second test also the proposal has not stood. Then there is the third test. It is whether this taxation will do more harm than good. I submit, Sir, that this will seriously injure the existing and growing motor transport business which can now compete with railways and steamers in this province and will also hurt the small industries and hamper the development of such industries which are run by motor spirit. Therefore, the proposal has not stood this test also. When that is the position, I submit that this Bill should be circulated for eliciting the opinion of the public who are going to pay this tax.

Dr. NALINAKSHA SANYAL: Sir, I rise to support my esteemed friend Mr. Surendra Nath Biswas in his attempt to have the Bill sent for eliciting public opinion. My grounds are not quite the same. I have every sympathy with the Government of Bengal when they try to seek more funds for definite and specified objects such as road construction and road development in the province, and yet, Sir, I submit that the case has not properly been made out by the present Government to enable them to assure to the public of Bengal that all is well with them and that the money placed in their hands will be properly utilised.

Sir, I have to submit that the motor industry is already very heavily taxed. It is contributing very substantially to the Central Revenues by way of customs, etc. It is also paying heavily to various departments of Government by way of licence fees, etc., and so far as petrol is concerned, already the incidence of various levies on petrol is as heavy as even more than 50 per cent. of the selling price in the city of Calcutta. Before touching a commodity of that character the Government in the first place ought to have found out if some other source could have been found to enable Government to obtain certain sums, if not as large as this, at least large enough to meet immediate requirements. Government also ought to find out whether with the money now available, Government can have a larger and quicker extension of road system free from the meticulous and sometimes unreasonable limitations that some of the experts of Government, the advisers of the Engineering Department, try to place through a high standard of road construction in the province. I feel that a tax of

this character will not only be a heavy burden on the motor industry and motor business but will also be indirectly transferred on to the rural public who have been increasingly making use of motor bus as a very convenient mode of transport in the rural areas. I admit that a small rate of taxation might not be easy for the motor bus owners to pass on the heads of the consumers, the rural people, but the rate here proposed is so heavy that the incidence is bound to be mainly on the consumers, the rural public, and not on the motor bus or car owners themselves. Sir, I thought I would get from the Hon'ble Finance Minister some sympathy when I say that this Bill should be sent round for eliciting public opinion for I know recently he has had occasion to seek more accommodation in his beautiful Limousine Car and probably he will soon be going in for a still bigger car.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of personal explanation, Sir. I want to make an offer. Will Dr. Sanyal buy my car? I will buy a smaller one. (Laughter.)

Dr. NALINAKSHA SANYAL: Why not part with it if it is so burdensome? (Laughter.)

Sir, jokes apart, this Bill seeks to lay a very heavy burden on one user of the road only, namely, the motorists, while the road is not meant merely for them.

Sir, I have also other observations to make in this connection. Although in the Statement of Objects and Reasons, it is stated that it is the intention of Government to use the proceeds of the tax to supplement the annual receipts from the Road Fund, there is no statutory provision to that effect. In the resolution of the Government of India creating the Central Road Fund, there is such an obligatory provision ensured by virtue of the Central Motor Spirits Tax Act, and I would like the Bengal Government to consider carefully if it would not be possible similarly to place the obligation on the Government that all proceeds from out of this tax would go to road development and road development alone. In regard to this, there is also a further point that has got to be considered. The Hon'ble Finance Minister has taken credit for the report that Mr. King has published. The report was available more than a year ago. We should like to know what action Government have taken on this report, whether Government have accepted the report and are going to follow it up, whether they have any policy laid down or enunciated in this regard, and what consideration has been given to the heavy burden that has been discharged by an able officer like Mr. King. We find there is no policy of Government in that connection. They have not as yet accepted the report and if the list of roads that have so far been favoured with an allotment of fund from the Central Road

Fund, is scrutinised, it will be found that even third-rate roads have been recommended through the influence of Government because of political pressure or similar considerations and that the scientific recommendations of Mr. King are not being followed. (Cries of "question," "question" by the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar.) The Hon'ble Minister in charge of Communications and Works, who questions this statement, knows very well that he will not find all these 33 roads coming under the first recommendation of Mr. King in his report. I do not want to criticize Government severely on that aspect of the question, because I do feel that there may be occasions when Mr. King's report might have to be modified in view of the local circumstances which might not have been prevailing when he recommended. But, Sir, there should be some policy before money is provided for carrying out certain works. Sir, it is an open secret that the ex-Finance Minister had suggested that a portion of such proceeds should be capitalised and that road development should be proceeded with by capitalising such receipts so that we may get a very large amount placed at the disposal of the Government for expenditure. I do not know—it is not known to the House—whether Government propose to utilise the money in that way. Further it is also not known whether Government would proceed with any experiment for a quicker development of cheaper types of roads which would, for all practical purposes, serve the needs of the rural areas. A scrutiny of the roads that have so far received sanction will show that of the 33 roads, not even 10 are really calculated to help the rural people—the people who are the backbone of finance and life in the country. The roads are mostly in the luxurious areas, near about cities and near hills where large sums—lakhs and lakhs—are spent merely to please certain planters and European interests. If these things are stopped then and then alone we can agree to a taxation of this character. I do not want to raise much objection against this Bill on the ground of the taxation itself.

(At this stage the House adjourned for fifteen minutes.)

(After Adjournment.)

Mr. P. BANERJI Sir, I rise to support the motion moved by my friend Mr. Surendra Nath Biswas, and in doing so I must say that this is really a taxation measure and that therefore the Hon'ble Mr. Suhrawardy would have been well advised if he had accepted the motion of Mr. Biswas to send the Bill out for circulation for the purpose of eliciting public opinion thereon. As he is not going to do so, we consider it our duty to oppose this motion from this side and to support the motion for circulation. It has been pointed out by Mr. Suhrawardy that the Bengal motorists will have new roads and

better transport facilities. It is a well-known fact that the roads in Bengal are in a very deplorable condition. But in spite of that fact and of the fact that money has been allotted from the Central Government, Government did not spend it on the mere excuse that there was no comprehensive scheme before Government——

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Which Government?

Mr. P. BANERJI: I am just coming to the time of the present Government as well. Sir, ever since the Maharaja of Cossimbazar has taken charge of the department which was previously known to be a public waste department——

Dr. NALINAKSHA SANYAL: Now it is Criminal Waste Department.

Mr. P. BANERJI: If more money is forthcoming, the result will be more waste. The Hon'ble the Finance Minister has told us that there have been many new roads. But may I ask what about the old roads, the existing roads, the trunk roads? In the last session of the House, we pointed out that there was a road, a very old road from Calcutta to Khulna covering three districts. Now, Sir, half portion of this road, namely, from Calcutta to Navaron came under the Road Board and the new road from Navaron was being built up from Navaron to reach Satkhira. Everyone knows, Sir, that Satkhira would be very close to Calcutta, if this road from Calcutta to Bashirhat could have been continued, but that was not done. (The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Why?) Because this Government was only continuing the policy of the old Government, namely, that roads along railway lines must not be continued. If this road is constructed then Maharaja can take it from me that there will be a good motor road from Calcutta to Bashirhat. Again there is competition from motor lorries. The policy of the Government of India has been that this sort of competition must be avoided anyhow, but this Government is following a policy which we consider to be very bad from this point of view.

Now, Sir, the Road Board has been constituted and money will be spent by this Board for the purpose of making inter-provincial communication possible, but what about inter-district communication? It is said that this will be done later on. That is a very long hope.

The Hon'ble Mr. Suhrawardy is well known as a patron of the monopoly companies of this province. In spite of a good deal of competition the motor service survived after a great deal of fight.

Mr. SPEAKER: Is not the service running at a loss?

Mr. P. BANARJI: No, Sir. In spite of greeat difficulties, the motor service in Calcutta is the most efficient transport service in the East. That being the case, if the tax is raised by 1 anna 6 pies the result will be that there will be a dislocation of the service, and eventually the tramway company may gain in the long run. Similar is the case with motor lorries. The motor lorries are plying in the remote parts of the country but on account of the new restrictions in towns they are running at a loss and if this one anna is added to the existing tax, there will be further loss in this direction.

Now, Sir, when money is forthcoming and will be spent on the construction of new roads, why should not some money be spent on the important trunk road from Jessore to Khulna? This particular road has been altogether neglected. It has not yet been made a pucca road and when a question was put to the Hon'ble Maharaja he said that he was helpless in the matter, and that the matter should be referred to the District Board. But I submit, Sir, that if Government really meant business and when there was sufficient money available, there was no justification for keeping the matter in suspense. (The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: There is already an existing road from Navaron to Khulna.) Have you ever travelled by that road? (The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Yes, I have.) I do not think so; the condition of the road is horrible. If the Hon'ble Minister had travelled by that road, he would not have said things like that. (The Hon'ble Mr. H. S. SUHRAWARDY: It is very, very bad!).

That being the case, Sir, I submit that this Bill should be circulated for the purpose of ascertaining the views of the public.

Mr. G. MORGAN: Mr. Speaker, I oppose the amendment moved for circulation.

My party has no objection to this Bill being referred to a Select Committee, but as we have many objections to the details of the Bill as presented to this House and as to the immediate necessity for this tax, we reserve the right to oppose the Bill at a later stage, if necessary.

Extra money is not required for road construction for at least 2 or 3 years. We know that Government can only spend some Rs. 30 lakhs per annum, and figures show that this amount will be available up to 31st March, 1942, and there will be a balance in hand on that date of about Rs. 10 lakhs. It is possible that difficulties may arise regarding the supply of materials and Government may not be able to spend even Rs. 30 lakhs per annum.

The programme of schemes in progress and sanctioned, amount to Rs. 1,02,59,000 and owing to war conditions, and the position as regards central and provincial taxation, some of these schemes could be postponed.

If the money proposed to be raised by this tax on petrol is to be dealt with on the same lines as the funds of the Provincial Motor Vehicles Tax, we have the strongest objection, as we are of opinion that the amount of some Rs. 22 lakhs collected under provincial taxation is dissipated in such a manner that practical results are not obtained. We require an assurance from the Government that the money collected from this tax will be pooled with the Road Fund receipts and be governed by the same conditions.

Another point is that the policy of Government is to proceed as rapidly as possible with "feeder" roads to railways and steamer ghats, for the movement of agricultural produce. If this produce is moved by motor lorry, well and good, but if, as is more than probable, the produce is moved by bullock cart, then we object strongly to motor transport having extra taxation put upon it. while bullock carts are free from any taxation whatever.

We consider that the proposed rate of 1 anna 6 pies per gallon is too high and may lead to diminishing returns. We are definitely of opinion that Diesel Oil should be excluded from the Bill. Madras included Diesel Oil in their Bill to incidentally help to keep competition with hydro-electric schemes at a minimum. Such a position does not arise in Bengal.

Under present conditions it is not desirable to raise money unless absolutely necessary. We have continually advocated road construction as rapidly as possible, but conditions now, owing to the war, necessitate two things—

(1) a slowing down of expenditure except on absolutely essential matters;

(2) a retrenchment of Government expenditure wherever possible.

Mr. NALINI RANJAN SARKER: I am in agreement with the principle and object of this Bill. If within a short time the vast problem of our road communication is to be solved, some sort of taxation is absolutely necessary to supplement the contribution from the Central Government for road construction, and I think that motor spirit is a fit object for such taxation. But, Sir, though I agree with the objects and reasons and the principles of the Bill, I do not think that it has become so much urgent yet. The Hon'ble the Finance Minister has said that he wants Rs. 12 lakhs more every year to supplement the contribution of the Government of India amounting

to Rs. 18 lakhs a year to give effect to his programme for spending Rs. 30 lakhs a year. So far as this is concerned, I think he will get the advantage of the accumulated funds to push on with his schemes for another three or four years. So far as I remember the closing balance at the end of the year 1938-39 was about Rs. 15 lakhs.

And there was also the unspent balance of the Government contribution amounting to about Rs. 32 lakhs for the two years 1937-38 and 1938-39. Now at the end of 1938-39 the Hon'ble Finance Minister is in possession of funds to the extent of 46 or 48 lakhs of rupees. If that is so, then within four years, I mean by the end of March, 1943, he can get this Rs. 12 lakhs every year out of this accumulated resources. If it is assumed that he will be able to execute the programme, the money which will be required after the 31st March, 1943, should not be raised so much in advance. That is why I support the motion for circulation of this Bill. But I have got suspicion in my mind as to why this Bill is being hurried through. My suspicion is, so far as my information goes, the Government of India have preliminarily turned down the scheme of Dacca-Aricha Road, and I think, Sir, that the Government of Bengal is trying to persuade the Central Government to agree to that scheme on the ground that they will supplement the Central Government contribution by taxation of motor spirit. If this is true, then it is a dangerous thing. We are now raising additional tax only so that our road problem all over the country can be solved as early as possible. If the present taxation is undertaken to construct roads the necessity of which is not so very urgent from the agriculturist's point of view and which roads will require a huge expenditure, namely, the estimate is Rs. 45 lakhs and it might go up to Rs. 70 or 75 lakhs if proper precautions for sanitation are taken and the length of the road is only 46 miles. I would ask the Hon'ble Finance Minister to provide something either in a resolution, if he cannot do that in the Bill, that this money which will be raised by additional taxation must be spent on roads within a district and there must be some limit to the expenditure on each such project. I would suggest that a resolution should be passed on the lines of the resolution the Central Government have passed on the road programme and if some such resolution is passed by this House that will expedite construction of necessary roads within the districts helpful to agriculturists. That is why, Sir, I support the motion for circulation of this Bill, because I think that the money is not necessary just now and I insist on some sort of commitment by the Government to improve a larger number of roads within the districts.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I shall not detain the House for more than a minute or two. Not being in the secrets of the

Government of India or the Local Government as the honourable member for the Bengal National Chamber of Commerce appears to be I am unable to say how the money collected through this tax is going to be spent, but I feel satisfied with the assurance given by the Hon'ble the Finance Minister that the money collected will be allotted and earmarked for the construction and repair of roads. In that connection, may I appeal to the Hon'ble Minister to see that the money he collects in the city of Calcutta is given to the city of Calcutta. The Corporation of Calcutta has to maintain hundreds of miles of roads and in a condition which is perhaps unknown to the districts. The slightest unevenness in the level of roads here upsets the equilibrium of our citizens. Although the Corporation has been increasing its amenities to the citizens, the rate of taxation has remained stationary. The city has expanded considerably while our finances have proportionately contracted. A Special Committee with my honourable friend the member for South Calcutta, has been appointed to consider the financial position of the Corporation and to find ways and means of increasing the income and decreasing the expenditure. It has actually made a proposition, which was to have come before the Government, regarding the share of the Corporation in the tax on petroleum. We have been forestalled. I do hope my appeal will not go unheard. Under the law, the Corporation of Calcutta has the statutory right to demand money either from the Government or to raise it by taxation. We do not now want to tax the citizens of Calcutta twice over, but it is only fair that the money the Hon'ble Minister gets from this increase of one anna and six pies on the petroleum used in Calcutta should by rights go to the Corporation. I hope it will be given to us.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I shall reply to the debate in the reverse order.

The Mayor of Calcutta has made a very powerful plea for consideration that all the money raised in Calcutta should be spent in Calcutta. I can give no assurance to him of that nature, but I shall certainly consider whether Calcutta is deserving of any share of the money that we shall raise.

Sir, I may point out to Mr. Sarker that there is no need for suspicion. The present Finance Minister does not keep any secrets up his sleeves and he does not proceed to attain his goal by any tortuous methods. The Dacca-Aricha scheme has been turned down by the Government of India but so have all road schemes been turned down ——(Dr. NALINAKSHA SANYAL: All schemes?) Yes, all of them for the time being, because they say we have already sanctioned so many schemes. Everybody knows as I have already said in the beginning that a number of schemes have been sanctioned and we have taken up

some of them. If the Dacca-Aricha Road is considered to be suitable, and if that area has got to be developed, then we will take up that road and this has no special reference to it.

Mr. Sarker has answered Mr. Morgan's point. Mr. Morgan raised the issue that all the money we raise should go only for the benefit of the motorists and that the agriculturists should not get any benefit out of it. Now that is not the policy of this Government. The money that we are going to raise will be spent on road work. That we can definitely state and we stand or fall by that statement. But that it is going to be spent only on arterial roads or provincial roads and will not be spent on district roads or on roads that lead to bazars or *hats* or will not be spent for the purpose of increasing communications, we are not prepared to give any such assurance. If we can get good schemes of this character, I think the money should be well spent on communications throughout Bengal.

Dr. NALINAKSHA SANYAL: Your policy is to rob Peter and pay Paul.

The Hon'ble Mr. H. S. SUHRAWARDY: My policy is to rob those who can afford to pay for the benefit of those who cannot.

Mr. I. D. JALAN: You should spend money on roads for better marketing of agricultural produce and not for military purposes which the Government of India might have in view.

The Hon'ble Mr. H. S. SUHRAWARDY: A point has been raised by the first two members that this taxation is going to be very heavy, that the rate is going to be very heavy and that it will hamper motor transport. When the Government of India put on a taxation of 8 annas or something of that nature, when the price of mobil oil went up and when the price of tyres and tubes went up, that did not hamper motor transport. But one anna six pies per gallon for a bus in which you have got, say, 10 or 20 persons where the extra cost per head will be infinitesimal—an infinitesimal portion of a pie—is going to hamper motor transport. Sir, I submit that these fears are next to nothing. After all the cost of petrol in other parts of India, for instance, in the United Provinces, in Delhi and in the Punjab is higher than here and their taxation is like this:—

Bihar—1 anna 6 pies.
United Provinces—2 annas.
Punjab—1 anna 3 pies, although the price of petrol there is Rs 2.
North-west Frontier Province—1 anna 3 pies.
Assam—2 annas.
Bombay—1 anna 6 pies or 6¼ per cent. *ad valorem* whichever is less.
Madras—1 anna 6 pies, same as ours.

Sir, I submit that no case has been made out against this Bill which is a very simple taxation measure.

Dr. NALINAKSHA SANYAL: What about the urgency?

The Hon'ble Mr. H. S. SUHRAWARDY: With regard to the urgency, it is true, Sir, that we shall have a certain amount of money left in our hands at the end of 1942 if we impose from the beginning of 1941. It may be possible for us instead of bringing the Act into operation on the 1st of April, 1941, to bring it into operation on the 1st of September, 1941, and lose Rs. 6 lakhs that way. But our idea is not to spend on those projects alone on which we are spending these Rs. 30 lakhs. We may go in for other projects as well. If we open up other roads, not the Government of India roads, if we open up new roads as recommended by Mr. King, why should we not do it? If we can open up some good roads, not necessarily those arterial roads or provincial roads or those roads which Mr. Dutta Mazumdar calls military roads that have been sanctioned, why should we not do so? We are not merely looking at the thirty lakhs and the programme before us. I should like to have money to spend on other roads. What will be left in our hands it is impossible for us to say. It will depend on what the administrative department purposes and I believe the idea of the administrative department is to open up as many roads as possible. For this purpose I commend my Bill to the acceptance of the House.

The motion of Mr. Surendra Nath Biswas that the Bengal Motor Spirit Sales Taxation Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941, was then put and lost.

The motion of the Hon'ble Mr. H. S. Suhrawardy that the Bengal Motor Spirit Sales Taxation Bill, 1941, be referred to a Select Committee consisting of—

(1) Khan Sahib Maulvi Hatemally Jamadar,

(2) Mr. Mia Abdul Hafiz,

(3) Dr. Mofizuddin Ahmed,

(4) Khan Bahadur Abidur Reza Chowdhury,

(5) Mr. Aftab Ali,

(6) Mr. Birat Chandra Mandal,

(7) Sir Hari Sanker Paul,

(8) Mr. F. J. Sinclair,

(9) Mr. Syed Ahmed Khan, and

(10) the Hon'ble Mr. H. S. Suhrawardy,

with instructions to submit their report by the 21st December, 1940, the number of members forming the quorum being four was then put and agreed to.

Adjournment Motion.

Dr. NALINAKSHA SANYAL: Sir, ——

The Hon'ble Khwaja Sir NAZIMUDDIN: May I suggest, Sir, that Dr. Sanyal may move the motion which Mr. Dutta Mazumdar was going to move?

Dr. NALINAKSHA SANYAL: If the Hon'ble Minister wants to have an opportunity to explain the circumstances under which the hunger-strike has been resorted to, we shall be prepared to accommodate him in this motion itself and I think that would be quite fair to him.

Mr. SPEAKER: All I can say is that so far as Mr. Dutta Mazumdar's motion is concerned, it is not in order because the hunger-strike by itself cannot be the subject matter of an adjournment motion. The issue of a hunger-strike has been repeatedly discussed and I am of opinion that hunger-strike by itself cannot be the subject matter of an adjournment motion unless a particular case justifies it. But the Hon'ble Minister desires in his reply to make a statement on the whole question, and I have no objection to it.

Mr. SASANKA SEKHAR SANYAL: We want to know, Sir, as to whether the Hon'ble Minister would make it clear in his reply that the report of the proceedings of this debate will be allowed to be published in the newspapers.

Mr. SPEAKER: I think the question raised by Mr. Sanyal is wholly foreign to the issue we are now discussing, and is a question which does not relate to the hunger-strike at all. The issue before the House is the propriety of the Defence of India Rules. So far as the Hon'ble Minister is concerned, it is for him to decide whether he would permit the proceedings of the House to be published in the newspapers. I think the present practice is that there is no objection to the proceedings only being published, without comment.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the correct reporting of the speeches of the members of this House is concerned, that would not be objected to, provided they are published without any comment and without prominent headlines.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance and of recent occurrence, namely, the Home Department order No. 7009P. of 25th November, 1940, addressed to all printers, publishers and editors prohibiting absolutely the printing or publishing within the province of Bengal of matters connected with the hunger-strike of prisoners in jails, as detailed in the said order.

Sir, I, move this motion with as much sense of responsibility as this motion demands. More than a year ago, we had an occasion to discuss certain things in this House relating to hunger-strike. It is not my purpose to-day to draw attention to those circumstances, and I would like simply to draw the attention of the Hon'ble the Minister in charge to the manner in which the present order has been issued, and the circumstances under which he has taken steps under the Defence of India Rules to issue the present order. The Defence of India Act refers to prejudicial acts in section 34, part 6, of the Rules, and under the definition of prejudicial acts there is a very large number of cases mentioned. I cannot find in that list one single instance which might in the remotest sense be said to be standing in the way, with a view to preventing which the present order is said to be promulgated. The order has been issued under section 41(*1*) (*b*) of the Defence of India Rules. This section reads as follows:—"If, in the opinion of the Provincial Government, it is necessary or expedient for the enforcement of these Rules, the Provincial Government may, by order addressed to a printer, publisher or editor or to printers, publishers or editors generally prohibit, either absolutely or conditionally, the printing or publishing, in any area specified in the order, of any document or class of documents for the use of any press or of all presses", and the punishment for contravening this order is imprisonment for a term which may extend up to 5 years and also to the liability of fine, and further Government may declare to be forfeited to His Majesty not only every copy of any document published or made in contravention of such order but also any printing press or other apparatus used in the making or publication of such document.

Sir, the order was issued on the 25th November. It was available to us on the 26th and at that very time a rumour was afloat in the city of Calcutta that certain persons who are well known as the beloved sons of Bengal, who are now detained—many of whom even without a

trial—inside the Alipore Central and the Presidency Jails, were contemplating hunger-strike. At a time when it was freely talked about as to whether an attempt should be made by prominent leaders of the House and outside to wait upon the Hon'ble the Home Minister to find out whether there was any truth in the same and what were really the causes of the trouble, we were surprised to have a notification of this character. This notification not only tried to shield from the public all information relating to the hunger-strike, all news about it, but even all enquiries about the hunger-strike and the hunger-striking prisoners or even of any prisoner purporting to go on hunger-strike. It is astounding that an order of that character should have been passed by a responsible Ministry of a province like Bengal. It is astounding because even the Nazi Germany has not been able to stop news in the manner sought by the Government of Sir Nazimuddin. (Cries of "Hear, hear" from Congress Benches.) What the Nazis of Germany could not do, Sir Nazimuddin in Bengal is trying to secure. (Laughter.)

Sir, I shall not take up much time of the House in dealing with some of the grievances that have trickled to us, news about which have been ventilated even on the floor of the House sometime ago. On the 6th September, 1940, in reply to a question put by me the Hon'ble Home Minister practically admitted that certain classes of prisoners were being very severely watched by the Special Branch and the Intelligence Branch Departments. In ordinary course, whenever we raise a question about political prisoners, Sir Nazimuddin takes the plea that there is no such term as "political prisoner" in the Jail Code or in the code of Government in force. May I know if there is no difference made between a prisoner and a prisoner, why is it and how is it that only a certain class of prisoners are being considered necessary to be watched by the watchdogs of Government and why all correspondence and letters of interviews and all communications from and to them have to pass through that ubiquitous department of the Police. The public have a right to know the nature of the grievances of these prisoners. The public have a right to know whether it is a fact or it is not a fact that classification of prisoners is made irrespective of the principles laid down in the Jail Code, that those who have had the occasion even to be members of some legislature are sometimes denied the facilities of Division I, that those who have not been convicted by any court in a trial, even such unconvicted prisoners detained by virtue of special powers are placed in ignominous humiliation only with a view to wreak vengeance on their patriotism.

Sir, so far the public also do not know what treatment is being meted out to certain estimable prisoners amongst whom also happen at the present moment to be a few members of the legislature. The public do not know whether they are given square meals, whether it is

a fact or not that at the present moment, contrary to previous practice, they have been denied every facility to watch the affairs of the kitchen, whether they are allowed to examine the quality of vegetables, fish, meat and other foods supplied to them, whether or not it is permissible under the present regime—as it was done even under the Bureaucratic Government—for Division I and II prisoners to meet their relatives at the time of interviews without wire-netting or fencing intervening between them, if it is also not a fact that even when some of the estimable persons like Sri Subhas Chandra Bose were not feeling well and were actually suffering, they were required to partake of the usual jail diet, that no special diet was provided for them. I would like to have specific replies on all these points, so that the public may be relieved of the anxiety that exists in their mind at the present moment. It has been reported that even a person like Sri Subhas Chandra Bose is not allowed to have in his possession a shaving stick or a safety razor, and our colleague, Mr. Sibnath Banerjee with the long beard that he has grown bears a living testimony to the fact that in the jail he had not had the privilege of using the safety razor. Probably Government thought that he woud commit suicide with the safety razor blade. Sir, I am not confining myself only to the Division I and II prisoners. I have heard it——

Mr. SPEAKER: I am afraid you are not in order.

Dr. NALINAKSHA SANYAL: May I submit that I am only trying to find out if the present order is not directed to withhold from the public certain information which has been given to the public from time to time and these instances——

Mr. SPEAKER: You cannot refer to the details. You can speak generally.

Dr. NALINAKSHA SANYAL: I am only generally referring to the maladministration of jail life, and I think the public of Bengal have a right to know if persons who are held in high esteem for patriotism are given their dues and they are not treated like cats and dogs inside the prison. May we enquire if by virtue of these blessed rules and orders the Hon'ble Sir Nazimuddin did not seek to keep off from the public the information that only cubicle cells are provided for some of these Division III prisoners in the Alipore Central Jail. The life in these cubicle cells is more to be imagined than realised. These cells do not have proper arrangements even for answering calls of nature. I am not referring specifically to any particular grievance, and I know from many of my friends who have got personal experience of jail life what inconvenience these prisoners have to suffer when they are

required to stand for a long time in a file for getting an opportunity for answering the nature's call in the morning and under the orders of the warder they have to finish easing themselves in five minutes each.

These are some of the serious difficulties that have reached our ears. I am not aware if Government were trying to hold back such information from the public. From time to time the Hon'ble the Home Minister has assured the House that this Government were trying to improve upon the past in the matter of jail administration, that the jail code was going to be revised .and the whole thing was under examination. We do not know what has been done so far, but the order under discussion to-day has set at rest all expectations of humane treatment from Sir Nazimuddin's Government, and we submit that it is one of the most scandalous things that the present Government have done and we strongly urge upon the Government to withdraw the order as early as possible.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, ever since the present war started we see Nazi bombs demolishing buildings in England and here we find Nazi mud in Bengal disfiguring the Statute Books and laws of the land. Sir, to-day the question has arisen about the adjournment of this House in order to discuss the recent order promulgated prohibiting publication of news regarding the hunger-strike by prisoners inside jails, which has been promulgated with a view to suppress all news of hunger strikes going on at the present moment inside some jails in Bengal. I would invite Sir Nazimuddin to contradict the statement I have made. Sir Nazimuddin has successfully suppressed news about hunger strike, he has stifled the press. I make this statement on the floor of the House that on the eve of the promulgation of this order hunger strike was actually threatened as a result of the prisoners' reasonable demands remaining unheeded. Hunger strike has actually started inside some jails. From day to day the situation is becoming worse. It is now so serious that due to starvation as a result of hunger strike the helpless prisoners may pass away, but the public have no means of knowing anything about it. It is for Sir Nazimuddin to state what steps have been taken and what are the grievances due to which this hunger strike became inevitable.

Sir, the motion which I sought to place before this House refers to this order in common with the motion of Dr. Nalinaksha Sanyal.

Sir, I feel—and I speak with the greatest sense of responsibility I can command—that this order is not merely an isolated order but it seeks to give legal effect or rather illegal Ordinance effect to the policy previously enunciated by the Government of Bengal. This order is a concrete case of the application of that policy with a view to suppress the news of the hunger-strike and along with that the news of the

fact that the prisoners for a long time have been labouring under certain disabilities and unreasonable disadvantages inside the jails. I stated in my statement of the matter that the political prisoners in Bengal jails including those arrested under the Defence of India Ordinance and Rules have been complaining about the ill-treatment meted out to them and have been demanding certain facilities for a long time. Finally in their helplessness, they threatened to resort to hunger strike and the Government, instead of exploring every reasonable means in the course of so many years to remove these grievances have come out with this monstrous order. Instead of allowing the members of this House and the members of the public to know precisely, by means of an independent enquiry, as to the nature of those grievances, Government have sought to suppress those grievances and avoid giving any relief to the prisoners inside the jails and by a "Gazette Extraordinary" on Monday, the 25th instant, an order has been promulgated prohibiting publication of all news about hunger-strike by prisoners inside the jails. It is likely that, as a matter of fact, the hunger-strike has been already started by the prisoners inside the jails near the city of Calcutta and is still continuing. Sir, this motion of Dr. Sanyal has given this House an opportunity to know the attitude of the Government about those grievances which Government have so long found impossible to remove and redress and for which the prisoners, in the last resort, had to go on hunger strike. I do not know if there is anybody in this House who will be bold enough, who will be unscrupulous enough, who will be shameless enough or inhuman enough to suggest that when a man stakes his life on a demand, when a man stakes his life with a view to give expression to a disability, he does it without sufficient cause and that for nothing at all he goes out of his way to toy with his own health, to toy with his own safety and his own life itself. One must realise, only when the prisoners found all their representations had failed and no redress had been given to them, that they, being driven to desperation owing to the ill-treatment meted out to them, resorted to hunger strike. We have here the memory of men like Jatin Das. We have here memory of men who have become memorable by having staked their lives on hunger strike and having sacrificed their lives in Indian jails. In Bengal, at least, the conditions were simply abominable and for a long time past the prisoners were agitating to improve those conditions. It is perhaps known to some who have the experience of jail-life—not known to many—that as far back as the time when Deshabandhu Chitta Ranjan Das had to court imprisonment, there were only two classifications inside the jail—European and non-European. We find the same discrimination inside the railway compartments and we find the same distinction inside public parks and in other places.

Sir, that European and non-European classification had to go as a result of public pressure. Sir, it is well known that when Deshabandhu Chittaranjan Das went inside jail, he found that the food was abominable. Even the Home Members in charge of the Department in those days found it a little uncomfortable and awkward to treat a man of Deshabandhu Chittaranjan Das's eminence and ability and reputation in the same way as they were treating the ordinary criminals. There was no means of giving him any other classification because there was none. Sir, they prescribed and allowed a special improvement of diet for Deshabandhu Chittaranjan Das on some medical ground. Deshabandu refused to accept it and insisted on getting whatever he was entitled to as a prisoner in common with all the other prisoners and the result was that during his term in prison the diet of all the prisoners had to be improved to some extent. But, Sir, all the attempts to improve the jail conditions failed. They remained unheeded until Jatin Das of glorious memory staked his life by resorting to hunger strike in protest against those conditions in jails and at last, Sir, there was a reform of the jail treatment and conditions. There was a classification of prisoners under A, B and C. Ever since prisoners have been trying to get the classification in B class or A class in cases where they have been convicted for any political offences. Sir, educated prisoners, students, brilliant students of the University, whose crime had been that of loving their country and of having courted imprisonment as a result of their own ideal and method for freeing their country have been off and on refused classification in Division II for better treatment. In jail classification there has been always racial discrimination. Sir, it is well known that ordinary European criminals or white-skinned criminals, who have been convicted of cat burglaries, of rape, abduction, seduction and all heinous crimes, have been allowed classification as a matter of general rule under Division II, whereas Indians, educated and respectable Indians, whose crimes did not involve the slightest moral turpitude, have been condemned to remain in Division III. That has been the general condition suffered by prisoners for a long time and before this House the condition of the prisoners has come up several times. I heard as far back as 1937 that the prisoners in the Andamans went on hunger strike with a demand that they should be repatriated to India and given better treatment inside jail. After the repatriation of the Andaman prisoners and after the release of several of them, still about 90 prisoners were kept in jails and given the treatment of ordinary criminals. Sir, there were restrictions placed upon their interviews and upon their association and social intercourse which would not be placed on ordinary criminals inside jails and in that way discrimination against the political prisoners continued. After the Andaman demonstrations, after the hunger strike in the Dum-Dum Jail, which spread all over the Bengal jails and at one time all over the Indian jails, the Bengal Government agreed to set up a Committee with a

view to consider the question of release of the prisoners and in the meanwhile give them better treatment. But, Sir, we know what had been the fate of that Committee. The Leader of the Opposition, Mr. Sarat Chandra Bose, found himself obliged to leave the Committee at a stage when he found that the Bengal Government was acting in a manner which would not be regarded as *bonâ fide* carrying out of the spirit of the understanding on which the hunger strike by the prisoners had been called off on the intercession of public men and political leaders of this country.

Sir, after the war broke out, in the name of the Defence of India Ordinances, acts of veritable depredation of India and detention of Indian patriots have been going on and that, Sir, in a province which, from the military point of view and from the war point of view, is of the least importance. Here we have found ever since, laws after laws, Ordinances after Ordinances and Regulations after Regulations imposing greater hardship on the printers, publishers and prisoners. Huge figures have been given about the number of internments and externments, not to talk of the number of arrests. To-day the jails are full. We cannot count our prisoners except by thousands, and a veritable form of terror has been adopted inside the jails to break the spirit of the prisoners. I may tell Sir Nazimuddin that at a time when the world finds itself in a cauldron of bloody feud, when daily on the question of rallying the people for the defence of their own land thousands are giving their lives, in India, Sir Nazimuddin knows, no amount of bullying and browbeating will cow them down who regard themselves as prisoners of war for the freedom of their motherland. Sir Nazimuddin's predecessors tried that game: we saw bullets fired inside the Hijli Jail which shot down prisoners: we found the earth within prison walls dyed deep in blood——

Mr. SPEAKER: Order, order. In your excitement you are going much beyond the scope of the adjournment motion.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I am trying to impress upon this House the monstrosity of the measures Sir Nazimuddin has adopted, and I am therefore referring to certain cases. When prisoners were shot down inside the Hijli Jail there was no cowing down of the spirit of the prisoners. To-day the prisoners are again going on hunger strike driven to desperation under Sir Nazimuddin's régime which has not been able to prevent repeated hunger strikes even after repeated assurances and promises have been given, even after co-operation has been offered by this side of the House with a view to removing their grievances. At this time, Sir, this Ordinance will have the effect of driving them to still worse desperation, and I should not be surprised,

the House need not be surprised, if we find more instances and cases of Jatin Das occurring inside the Bengal jails, as a result of there being veritable murders taking place inside the jails——

Mr. SPEAKER: I am afraid, Dr. Sanyal, if you abuse your right in this way——

Mr. NIHARENDU DUTTA MAZUMDAR: I am Dutta Mazumdar and not Dr. Sanyal, Sir.

Mr. SPEAKER: I am sorry, Mr. Mazumdar. You are going much beyond the scope of the subject matter under discussion. It has nothing to do with the treatment meted out to prisoners in the jails. Its scope is confined to the propriety of the Ordinance issued. I have admitted the motion in the hope that you will strictly limit yourselves exclusively to the subject matter of the debate, but if the House persistently goes beyond its scope, I shall have no other alternative but to think over the matter again and decide as to whether I should at all give my consent to it or not. It is, after all, a matter which is absolutely within my discretion.

Mr. NIHARENDU DUTTA MAZUMDAR: I realise your difficulty, Sir, but I am constrained to say most unpalatable things which have brought this admonition from you; but I must impress upon this House that the nature of the Ordinance is of an unprecedented character. I want to remind Sir Nazimuddin that the need of a law of the nature as has been promulgated here has not been felt even in England where Nazi bombs are striking terror in the hearts of the people——

(At this stage the honourable member reached his time-limit.)

Mr. SPEAKER: Mr. Mazumdar, your time is up.

Mr. NIHARENDU DUTTA MAZUMDAR: May I have one minute more, Sir?

Mr. SPEAKER: I am sorry I have no power under the rules.

Mr. B. MUKHERJEE: দিল্লীর প্রেস কন্‌ফারেন্স মাত্র কিছু দিন সমাপ্ত হোয়েছে এবং সেখানকার গভর্ণমেণ্ট অর্থাৎ ইণ্ডিয়া গভর্ণমেণ্ট অন্ততঃ খানিকটে দাক্ষিণ্য দেখিয়েছেন—যে প্রেসের উপর যেরকম অর্ডিনান্স প্রভৃতি চোলেছে, তাদের নিয়ন্ত্রণ করবার যে রকম চেষ্টা চোলেছে, সেই নিয়ন্ত্রণ কতকটা শিথিল করা হবে—এই রকম আশ্বাস দেওয়া হোয়েছে। যে কাগজে এই আশ্বাস দেওয়া হোয়েছে তার উপরকার কালি আজও বোধ হয় শুকোয় নি.—ইতিমধ্যে এখানকার প্রাদেশিক

• গভর্ণমেণ্ট দেখাচ্ছেন যে কি রকম কোরে সেই আশ্বাস কার্য্যে পরিণত করা যেতে পারে। আজ সামান্য জেলের ভিতর hunger-strike হোয়েছে এবং সেই hunger-strikeএর খবর বাইরে বেরুলে পর তা থেকে সাম্রাজ্যের যুদ্ধ প্রয়াসের যে কতটুকু ক্ষতি হবে সে আমার মস্তিষ্কে অন্ততঃ আসে না। আমার কল্পনায় চোকে না যে এখানকার কয়েকটী জেলে রাজনৈতিক কয়েদীরা যে অনশন অবলম্বন কোরেছে সেই সংবাদ যদি সংবাদপত্রে বেরোয় তাহোলে পরে এত বড় কি ভয়ঙ্কর ব্যাপার ঘোটবে যাতে সাম্রাজ্যের যুদ্ধ-প্রয়াসে ক্ষতিকর হবে। বরং আমি মনে করি স্যার নাজিমুদ্দিন এই রকমভাবে ক্ষুদ্র ঘটনার সংবাদ যদি সংবাদপত্রে প্রকাশ হোতে না দেন, তাহলে বাইরের জগতে এই রকম impression হওয়ারই সম্ভাবনা যে না জানি এখানকার জেলের মধ্যে কি ভয়ানক অমানুষিক ব্যাপার হোয়েছে যার জন্য Bengal Government লজ্জিত, সেই জন্য তার সংবাদ এতটুকু বাইরে প্রকাশ হোতে দিতে পারেন না এবং সেই জন্যই এটা বন্ধ করবার চেষ্টা চোলেছে। Mr. Speaker যে সীমারেখা নির্দ্দেশ কোরেছেন সেই সীমারেখা সম্বন্ধে আমি কোন কিছু ঠিক কোরতে পারছিনে। কতটুকু এই সীমার মধ্যে পড়ে? অর্থাৎ কি কি সংবাদ বাইরে আসতে পারবে? আমার মতে ক্ষুদ্র ক্ষুদ্র সংবাদগুলি বাইরে এলে শুধু জনসাধারণই লাভবান হবে না গভর্ণমেণ্টও লাভবান হবে। তারপর আমার কথা হোচ্ছে সম্পূর্ণ সংবাদ যখন বন্ধ করা হোয়েছে তখন সেগুলি কি natureএর সংবাদ সেটা হাউসকে জানানো উচিত।

আমি এখানে গভর্ণমেণ্টকে স্মরণ করিয়ে দিতে চাই যে আজকের এই Adjournment motionকে রাজনৈতিক দৃষ্টি দিয়ে যেন না দেখেন এটার প্রতি মানবতার দিক থেকে যেন একটু দৃষ্টি দেন। আমি অন্ততঃ রাজনৈতিক দৃষ্টি থেকে এসম্বন্ধে কিছু বোলতে চাইনে। অথবা গভর্ণমেণ্টের কাজে প্রতিবাদ হিসাবেও কিছু কোরতে চাইনে। আমি চাই—জেলের ভিতর কয়েদীদের অবস্থা আজ যে রকম সে সম্বন্ধে আমাদের যা খানিকটে অভিজ্ঞতা রোয়েছে সেইটে বিবৃত কোরে তাদের প্রতি খানিকটে সহানুভূতির উদ্রেক। মিঃ স্পীকার, মাননীয় মন্ত্রী মহাশয় এ সম্বন্ধে মোটেই কর্ণপাত কোরছেন না। প্রথমে তাঁর অন্ততঃ জানা উচিত যে সৌভাগ্যক্রমে আমি সম্প্রতি Presidency এবং Central উভয় জেলেরই খানিকটে অভিজ্ঞতা লাভ কোরে এসেছি। সে সম্বন্ধে যদি সঠিক সংবাদ জানবার কিঞ্চিৎ মাত্রও আগ্রহ থাকে তাহোলে অন্ততঃ ওঁর একটু মনোযোগ দিয়ে শোনা উচিত। আমি তাঁর কাছে অত্যন্ত জোরের সঙ্গে বোলতে চাই যে তিনি যেন এসম্বন্ধে কিছুমাত্র মনে না করেন যে তাঁর প্রতি কোন প্রকার কটাক্ষপাত আছে। আমি বহুবার জেলে গেছি, বহু জেলের সম্বন্ধে আমার অভিজ্ঞতা আছে। এবার দেখছি—নূতন শাসনতন্ত্র প্রবর্ত্তিত হবার পূর্ব্বে আমলা-তন্ত্রের বা ব্যুরোক্রাসির আমলে জেলে যে ব্যবস্থা ছিলো এখনকার ব্যবস্থা তার চেয়ে ঢের খারাপ। মাননীয় মন্ত্রী মহাশয় বিশ্বাস করুন, আমার একথাটা হয়তো অতিরঞ্জিত নয়। তখন আলিপুর Central Jail বাঙালী কয়েদীদের মধ্যে গভর্ণমেণ্টের অন্যান্য জেলখানাগুলির তুলনায় "বাবু-জেল" বোলে পরিচিত ছিলো। কিন্তু আজকে যে তার খাদ্যাদি এতদূর খারাপ হোতে পারে তা পূর্ব্বে কল্পনাও করা যেতোনা। তখনকার Class I এর খাদ্যের সঙ্গে এখনকার

'Class I বন্দীদের খাদ্যের কোন তুলনাই চলে না সুতরাং Class III [illegible] খাদ্য এখন যে কি দাঁড়িয়েছে সে কথা না বলাই ভালো। Jail Manualএ যে rate দেওয়া আছে সেটা ঠিকই রোয়েছে কোন কিছুই পরিবর্ত্তন হয় নি, পরিবর্ত্তন হোয়েছে—শৃঙ্খলার এবং হোয়েছে শাসন ব্যাপারে শৈথিল্য। এসব বাইরে সংবাদপত্রে প্রকাশ করা সম্ভব নয়। এই যে অনেক সময়ই দেখা যায় যে জেলের ভিতর [illegible] বা নাকি প্রাপ্য জিনিষ তার বহুলাংশই যাদের প্রাপ্য নয়, তাদেরি ভোগে চোলে যায়। (Shame, shame) যেখানে তাদের জন্য বরাদ্দ থাকে ।৵০ আনা কি ।৵১০ আনা, তারা কার্য্যতঃ যা পায় তাতে ।৵১০ আনার চেয়ে ঢের নিকৃষ্ট খাদ্যই পেয়ে থাকে। এটা আমার নিজের ব্যক্তিগত কয়েক সপ্তাহের অভিজ্ঞতা। এবং একথা মন্ত্রী মহাশয় যে রিপোর্ট পান তার চেয়ে ঢের বেশী বিশ্বাস্য। তারপর non-labourদের হাতে kitchen থাকার ফলে—

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. As far as hunger-strike is concerned, there is nobody in the Alipore Central Jail who is now on hunger-strike.

Mr. B. MUKHERJEE: Mr. Speaker, আমি প্রথমেই বোলে রাখ্‌ছি এই ordinanceএর ফলে কি রকমভাবে সাধারণ সংবাদ পর্য্যন্ত প্রচার করা বন্ধ হয়েছে সুতরাং এ সমস্ত সংবাদ যদি আমি Houseএর সমক্ষে না দিতে পারি তা হোলে—

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know how can this subject be discussed here.

Mr. SPEAKER: You cannot refer to it.

Mr. SIBNATH BANERJEE: My information is that there is a strike in jail to-day.

The Hon'ble Khwaja Sir NAZIMUDDIN: Up to now I have no information about that.

So far as the grievances of jail conditions are concerned, I would like to say that where there is no hunger-strike, this Ordinance does not apply, and there is nothing to prevent any member either writing in the papers or bringing in this House by means admissible to a member of this House the grievances of the prisoners. I think it is not fair to try in this motion to discuss the jail grievances. Besides, the honourable member has not even brought it to my notice.

Mr. B. MUKHERJEE : Mr. Speaker, আমি অন্ততঃ জানি যে, দমদম্ জেলের কয়েদীরা hunger-strike কোরেছে এবং আলিপুর Central Jailএও আজকে থেকে hunger-strike চোল্‌বে।

Mr. SPEAKER: I am sorry you cannot do that. You can generally say that probably the intention of Government is to shut out the grievances, but the actual grievances cannot be discussed here except as an illustration.

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member has just now said that he knows definitely that there has been hunger-strike in Dum-Dum Jail. I would like to say that to the best of my knowledge there is no hunger-strike in Dum-Dum Jail up to the present time. I want to make the point clear. So far as the information of yesterday is concerned and up to now, my present information is that there is only hunger-strike in the Presidency Jail and in no other jails.

Mr. JOGESH CHANDRA GUPTA: There was a short notice question in order to make sure of the facts, but it has not been replied.

Mr. B. MUKHERJEE: Mr. Speaker, আমি যখন জেলের সংবাদ সম্বন্ধে বলি তখন সেখানে hunger-strike নেই বোলে আমার কথা সেদিক থেকে কেটে দেওয়া হয়। আবার hunger-strike সম্বন্ধে সংবাদ বেশী বোল্লেও অন্য দিক থেকে কেটে দেওয়া হয়। অতএব এই উভয় সঙ্কটের ভিতর চুপ কোরে বোসে পোড়্‌তে বলাই ভালো। কারণ বাইরে যেমন ordinance জারি আছে এখানে এই Houseএর ভিতরও ঠিক সেই রকমভাবেই ordinance জারি হোয়েছে দেখে চুপ কোরে বোসে থাকা ছাড়া কি আর করা যেতে পারে?

Mr. SPEAKER: That is not the subject matter of discussion. This hunger-strike may end to-morrow.

Mr. B. MUKHERJEE: আমি যতদূর জানি প্রেসিডেন্সি জেলে hunger-strike হোয়েছে এবং আলিপুর Central Jailএও আজকে থেকে হবার কথা—হোয়েছে কি না তা কেবল ভারপ্রাপ্ত মন্ত্রী মহাশয় বোল্‌তে পারেন, কেননা বাইরে সে সংবাদের প্রচার নিষিদ্ধ হওয়ায়—কাল আর কোথাও hunger-strike হবে কি না সে কথা প্রচার করা চোল্‌বে না। এই জন্য আমার বক্তব্য ছিলো—যে এই যে সব hunger-strikeএর ভিতর যে সমস্ত অভিযোগগুলি রোয়েছে তাতে কোরে Jail systemএর ভিতর খুব বড় রকমের একটা পরিবর্ত্তনের প্রয়োজন করে না। কেবল একটু খানি ঔদার্য্যের সঙ্গে, সহানুভূতির সঙ্গে দেখ্‌লে পরেই এ সম্বন্ধে অত্যন্ত সহজে মীমাংসা হোতে পারে।

আমি আমার জেল থেকে বেরুবার পরই মাননীয় মন্ত্রী মহাশয়ের সঙ্গে দেখা করবার জন্য চেষ্টা কোরেছি, কিন্তু দুর্ভাগ্যক্রমে তাঁর দর্শনলাভ কোরতে পারিনি। একটু খানি সহানুভূতি যদি তারা পেতো তা'হোলে hunger-strike করবার অভিপ্রায় তাদের মোটেই ছিলো না বোলেই আমি জানি। তারা শুধু মাত্র দৃষ্টি আকর্ষণ করবার জন্যই

চেষ্টা কোরছে। সেই দৃষ্টি আকর্ষণের ভিতর দিয়ে কতকটা যদি পরিবর্ত্তন হয়—যে শৈথিল্য আজকে জেল পরিচালন-ব্যাপারে জেলকর্ত্তৃপক্ষের ভিতর দেখা দিয়েছে, [illegible] প্রতি যে ঔদাসীন্য তারা দেখাচ্ছেন সেটা দূর হওয়া উভয়তঃই বাঞ্ছনীয়। জেলে রাজনৈতিক কয়েদীদের প্রতি কর্ত্তৃপক্ষের ব্যবহারের একটা উদাহরণ এখানে অনুপযোগী হবে না—শ্রীযুক্ত জ্ঞান চন্দ্র মজুমদার এই হাউসের একজন মেম্বর দার্জিলিংএ নিজের খরচায় মন্ত্রী মহাশয়কে একটা টেলিগ্রাফ দিতে চেয়েছিলেন সেটা তাঁরা দিতে দেন নি। তাঁরা নিজেরা তো তাঁর অভিযোগের কোন প্রতিকার কোরলেনই না, তিনি নিজের খরচায় মন্ত্রী মহাশয়কে যে খবর দিতে চাইলেন সেটাতেও তাঁরা বাধা দিলেন। এই সমস্ত বিষয়ে প্রতিকার একটু সহানুভূতির সঙ্গে দেখ্‌লেই অনায়াসে হোতে পারে। Division IIIএর কয়েদীদের cubical cellএর ভিতর রেখে দেওয়ার ব্যবস্থা কোন জেল কোডে কোথাও নেই, অথচ এই সব political prisonersদের প্রত্যেককে ঐ ভাবে রাখা হোচ্ছে। যদিও তাঁরা দেখেন যে এই বিংশ শতাব্দীতে কোন সভ্য দেশেই এই রকম চিড়িয়াখানার cageএর ভিতর মানুষকে,—আমাদের মতন পরিষ্কার পরিচ্ছন্ন মানুষকে,—যেহেতু তারা prisoner, যেহেতু তারা কয়েদী, মাত্র সেই হেতুমূলে তাদের ঐভাবে বন্দী কোরে রাখা হয় না। এই বর্ব্বরতা আজও যদি চোল্‌তে পারে—তাহলে সেটা আমাদের পক্ষে বাস্তবিক লজ্জা এবং গ্লানির কথা। তাছাড়া বহু প্রকারের দুঃখ কষ্ট অনেক কিছু অসহনীয় ক্লেশ তাদের ভাগ্যে পুনঃ পুনঃ ঘটে যায়। আমাদের মন্ত্রী মহাশয়েব হাতে বহু কাজ; সেই জন্য হয় তো এ সম্বন্ধে তিনি যথেষ্ট সময় ও সুযোগ দিতে পারেন না। সেইজন্য আমাদের পক্ষে প্রয়োজন ছিলো এ সমস্ত সংবাদ বাইরে এলে পর—যে সব ঘটনার খবর তিনি departmentally পেতে পারেন না বাইরে প্রকাশিত হোলে সেগুলি তাঁর জান্‌তে পারার সুযোগ হ'তো; অতএব তাঁরা নিজেদেরই বেশী ক্ষতি কোরছেন—এই সমস্ত খবর থেকে নিজেদের বঞ্চিত রাখ্‌বার ব্যবস্থা কোরে।

Mr. SASANKA SEKHAR SANYAL: Sir, within the short time allotted to me by you I will make a few observations in addition to what has already fallen from my learned colleagues on this side. Sir, as an humble student of law if I have understood anything of the Defence of India Rules, there is one thing under-current, namely, the question of peace and public tranquillity. If the Government notification is considered from that point of view, would it be very wrong if we charge the Government with having themselves broken that peace and tranquillity which is contemplated in the Defence of India Rules? Sir, look at the preposterous position. From one end of this province to another there are families who have sent out prisoners to different jails in this province. They do not know whether any of their near and dear ones are on hunger-strike. The newspapers are deprived of the privilege of knowing or at least publishing that knowledge. All on a sudden, the responsible Government under Provincial Autonomy flourishes on the face of the province a notification by which the

suppression of the news and views on hunger-strike is demanded. Sir, we could have understood if that notification was accompanied by a further statement on the part of the Government enlightening the public of the actual state of things in the particular jails where hunger-strike may have occurred. We have been left wondering—we have in our hands no authentic information as to whether there is any hunger-strike and, if so, in which jails and who are the actual persons and prisoners undergoing that hunger-strike. Is it not a state of things in which the public will be more bewildered than a mere publication which has been banned so far as newspapers are concerned? If any legitimate inference can be drawn from this suppression of news it is that—and the only irresistible conclusion is that—there is something very wrong in the jails themselves. Times without number, the question of jail amenities has been discussed on the floor of this House and also during the regime of the previous Government, this question was brought to limelight on various occasions. The views of public men have been expressed not merely within the precincts of this House but also outside on numerous platforms. The views of the Government are also known. Sir Nazimuddin was vaunting on the announcement of the Government policy which was made in September, 1939. But the pride of the Ministry would have been justified if instead of taking shelter under a policy which was enunciated more than a year ago, Government came forward with facts and figures about the grievances and Government attitude towards this matter. The public has the right to know what the grievances of these prisoners are so that the ultimate arbiters of these facts can sit in judgment on them and arrive at their own conclusions.

Sir, what is still more important so far as we on this side of the House are concerned is that we want to know definitely from the Government as to whether the Government continues on the lines of the old and exploded policy or whether Government is going to revise its attitude. Sir, it is known that several respected members of the Legislature are also entrapped in the jails. Their position, so far as the public are concerned, is no less respectable than the position of these Ministers. The question has an added seriousness when looked at from that point of view and, Sir, the question to-day is not so academic as it was probably a year ago because it is well-known that the extent of political tension in the country is such that although to-day there are only two or three legislators in the jail, probably in the course of a very short time, a bumper crop of legislators will have to be harvested in the different jails. So, Sir, the question to-day is a matter of live interest so far as we, the members of this House, are concerned. We must know what are the grievances that have been ventilated: we must know the attitude of the Government so that we may know how to deal with that situation. Sir, it is one thousand times pity that when Ministers in other provinces are entering into

jails as if the jails are the temples of freedom, here in this province of Bengal Government which flourishes upon the same Provincial Autonomy is dealing with the jail as if it is a slaughter-house of the freedom of this country. So, Sir, the question has got to be reduced into a question of one, two and three: what are the grievances that have been advanced by the prisoners, what is wrong with these grievances and how is the Government going to deal with these grievances. These are questions which are very simple and the answers to these questions must also be given in a very clear and straight-forward manner. As, Sir, some of my friends have indicated, we have not had the opportunity of understanding the actual case of the Government because nobody has yet spoken from the side of Government. We are advancing our case really upon what little inference we can make from the speculations that are permissible to our friends. But we shall demand of the Hon'ble Minister in charge to state the facts as clearly as possible so that not only the public outside may understand their relations with the prisoners but we the legislators in the House may also know our relations with fellow prisoners and fellow members of this House.

With these few words, I beg to support the adjournment motion moved by Dr. Nalinaksha Sanyal.

Mr. A. M. A. ZAMAN : আমার বন্ধু Dr. Nalinaksha Sanyal যে Adjournment প্রস্তাব এনেছেন সেইটে সমর্থন কোরতে আমি দাঁড়িয়েছি। এর আগে বহু বক্তা ঐ সম্বন্ধে অনেক কথা বোলেছেন; আমি বেশী বোল্‌বোনা দুএকটা কথা শুধু বোল্‌তে চাই। আজকার এই দিনে বৃটিশ গভর্ণমেণ্টের এমন একটী মন্ত্রী বাংলাদেশে রোয়েছেন যিনি—কেউ কোন একটা কথা বল্‌বার মুখে—সে যাতে কোন কথা না বোল্‌তে পারে সেইজন্য বার বার ordinance জারি কোরে সবার মুখ বন্ধ কোরে দিয়ে থাকেন। এই রকম মন্ত্রীকে লণ্ডনের মাঝখানে ছেড়ে যদি দেওয়া যায়, তাহলে তিনি সেখানে তাঁর ordinance দ্বারা দুচারিটে গড়াগড়ি দিলেও বোমার রক্ষার কিছু কাজ হোতে পারে। (laughter)। Hunger-strike করবার উদ্দেশ্যটা কি? সেটা কি তিনি বুঝতে চেষ্টা কোরেছেন? যদি কখনো সে চেষ্টা কোরতেন তাহোলে আজকে জেলে যারা hunger-strike কোর্‌ছে, কেন তারা সেটা কোরছে—সে বিষয়ে enquiry না নিয়ে তিনি চুপচাপ বোসে থাক্‌তে চাইতেন না। তিনি নিজে দিনের মধ্যে তিন বারের জায়গায় সাতবার খেতে পারলে মনে করেন যে আরো ভালো হোতো। দুনিয়ায় কোন লোকই ভুকা থাক্‌তে চায় না। সুতরাং যারা নাকি জেলের ভিতর না খেয়ে মরবার জন্য উদ্যত হয় তারা যখন দেখে যে তাদের অতিকষ্টকর ব্যাপারের কোনই প্রতিকার হয় না কেবল তখনি আত্মহত্যার জন্য প্রস্তুত হয়। Hunger-strikeটা সুখের জিনিষ নয়। যদি কখনো নিজের তা কোরতে হয়,—আজ না হয় তো কাল সে রকম সময় আস্‌তে পারে—যেমন রুমানিয়ার প্রধান মন্ত্রীর এসেছে, বলা যায় না ভবিষ্যতে বাংলাদেশেও সে রকম কিছু হবে কি না (laughter) কাজেই শুধু মন্ত্রীত্ব বজায় রাখার চিন্তা কোর্‌লেই চোল্‌বে না, মনুষ্যত্বের খাতিরেও কিছু

করা দরকার। মনুষ্যত্বের নামে আমার পূর্ববর্তী বক্তা বঙ্কিম বাবু যে আপিল কোরেছেন, তাদের যে সব অভাবঅভিযোগ রোয়েছে মনুষ্যত্বের দিক দিয়ে তার প্রতিকারের বন্দোবস্ত কোর্‌লেই তো সব চুকে যায়। আমি নিজেও দু'চার বার জেলে গিয়ে জানি যে সেখানকার ব্যাপারখানা কি। প্রথম যখন আলীপুর জেলে গেলাম, তখন আমাদের নিজেদের হাতে kitchenএর ভার নেবার আগে যে dish আমাদের জন্য আস্‌তো, তার অর্দ্ধেকের বেশী জেলারের বাড়ীতেই হোক বা সার্জেণ্টের বাড়ীতেই হোক চোলে যেতো। শুধু তাই নয়, জমাদার, সেপাই প্রভৃতি যারা আছে তাদের সবাকার বাড়ী যাবার পর অতি সামান্যই আমাদের জন্য আস্‌তো। এ সমস্ত ব্যাপারের enquiry কোরে জানা দরকার। এই সব অভিযোগের প্রতিকারের জন্য আলিপুর জেলে দু'তিনবার hunger-strike হয়েছিল এবং এবং তার ফলে কিছু কিছু changeও হয়েছিল। জেলে এই যে সব চুরি হোচ্ছে তার কোনই তদন্ত করা হয় না, ওঁর অধীনে কত C. I. D. আছে তাদের কারো দ্বারাই হোক কিম্বা অন্য কোন লোক পাঠিয়েই হোক যদি মন্ত্রী মহাশয় একটু খোঁজ রাখ্‌বার চেষ্টা কোর্‌তেন তাহলে বাংলাদেশে—এই যুদ্ধের বাজারে এসব গোলমাল হোতো না। আজকে উনি হয়তো মনে কোরছেন যে অর্ডিনেন্স জারি করবার ফলে public তো আর খবর পাবে না, সুতরাং তারা আর কোন গণ্ডগোল কোরতে পারবে না, আমার মন্ত্রীত্ব বজায় রাখ্‌তে কোনও বাধা হবে না। কিন্তু আমি বোলছি এই অবস্থা ঘুরে যাবার chance ও তো আছে। এই ভাবে বিষয়টা না দেখে ভবিষ্যতের দিকে দৃষ্টি দিয়ে যদি একটা মিট্‌মাট করবার জন্য তাদের সঙ্গে আলোচনা করেন, এবং যাতে নাকি একটা মিট্‌মাট হয় সেই চেষ্টা করেন তাহলে তারা শান্ত হবে এবং দেশেও শান্তি আস্‌বে। আর উনি যদি মনে করেন যে, অর্ডিন্যান্স জারি কোরেছেন তার জন্য সবাই চুপ থাক্‌বে আর দেশে শান্তি আস্‌বে তা'হলে আমি ওকে জানিয়ে দিচ্ছি যে সে শান্তি, শান্তি নয়। একটু দূরদৃষ্টি রেখে ভারতের বাইরেকার এবং ভিতরকার অবস্থার প্রতি লক্ষ্য রেখে ভবিষ্যৎ চিন্তা কোরে চল্‌বার জন্য আমি মন্ত্রী মহাশয়কে অনুরোধ কোর্‌ছি।

Mr. SIBNATH BANERJEE: Sir, it is a mere chance that I am here pleading, the cause of hunger-strikes instead of being one myself with them. Only recently I have been released. It was a great surprise for me that after being arrested I would be released so soon. Immediately we were taken into the jail or rather before we were taken there, our predecessors had started correspondence with the Home Minister regarding their grievances and long petitions running to several pages were sent to the Home Minister, and I must say that the Home Minister was courteous enough to pay a visit to the Presidency Jail and discuss our grievances on one occasion, but nothing material has so far been done with regard to the grievances of the prisoners. We represented the grievances mainly of Division I under-trial prisoners because in prison one is not allowed to speak to other prisoners belonging to Division III but he can speak only for himself alone. So far as Division III prisoners are concerned, they are made

to get up from bed at 4 a.m. and are made to sit by pairs inside the barracks waiting to give their *salaams* to jail officers who come at their pleasure. This they have to do till 6-30 a.m. that is for two hours and a half. Then starts the *tatti*-parade. Most of the members here will not understand what it is——

Mr SPEAKER: I hope, Mr. Banerjee, this does not fall within the subject-matter we are discussing.

Mr. SIBNATH BANERJEE: Sir, it is one of the grievances to which I am now referring. If in connection with the grievances of the hunger-strikers the Hon'ble the Home Minister has been pleased to issue an ordinance, we must come to the root of the question and therefore I have got to refer to this *tatti*-parade. Sir, the Hon'ble the Home Minister has by means of this ordinance gagged the Press in the matter of publishing the grievances of the hunger-striking prisoners and thus neither this House nor the public can have any idea as to what those grievances are, which the prisoners want to be redressed. Not having any other means of ventilating their grievances, they have resorted to this extreme step of hunger-strike. Frankly speaking, I do not like hunger-strike at all, and I have never found one single individual who does like it. But when some people find that for days in and days out they have no other way of redressing their grievances they take this extreme measure as a last resort. Nobody who knows nothing about it can feel what it is but one who has been driven to desperation adopts it as a suicidal measure. It is with a view to self-immolation that they adopt it instead of prolonging their agony any further. That is the psychology one is bound to develop under those circumstances. Sir, I shall not give the catalogue of grievances because the Home Minister has got a full list of them. When I came out of the jail, I came immediately in touch with the Home Minister and also with his department but unfortunately to no effect. On the 18th July the first application was sent to the Home Minister and more than four full months have passed and within this time the Home Minister could have told me what he would do. Now that the hunger-strike has come, what is the attitude that he should take up? I submit, Sir, that he should take up the attitude of trying to redress the grievances of the prisoners which are very simple. They do not expect any wonders; they know that they are prisoners; but they are human beings and they want to be treated as human beings; they do not want to die like flies in the jails. All that is expected of the Home Minister is that he will not suppress the facts but let the facts come out. It will then be easier for him to tackle the situation; and if any of the demands put forward seems to be extravagant, the public will not support them. That will also be his defence. So, I would request the Hon'ble the Home Minister to allow the members of this House to visit the prisoners in jails with an equal number of

members from the Government benches as from the Opposition, so that they may go and know the grievances of the prisoners and then it will be possible for Sir Nazimuddin to devise a way to meet their point I know the actual conditions from my own experience of jails—Mr. Bankim Mukherji has experience of two jails; but I have got experience of one jail only. But most of the correspondence was carried on by me and another member of this House, namely, Srijut Pratul Chandra Ganguli with the Home Minister and the jail authorities. While we were drafting those applications we were also very conscious that if a better state of things cannot be expected now, at least it shall not be worse than what it was in the bureaucratic days. In the bureaucratic days when a man was detained without trial, the authorities felt a little ashamed, but freedom has got a different valuation with our popular Ministry. They are without any feeling of shame for detaining people without trial; they treat them just as other people who are convicted though they are only detained under the Defence of India Rules.

Sir, I do not want to take up any further time of the House. I would request the Hon'ble Minister to allow some members of this House to visit the prisoners and get in touch with them, know their grievances and to serve as the *via media* or a connecting link between the prisoners and the Home Minister who is sitting there adamant, determined not to do anything unless the prisoners gave up hunger-strike.

With this request, Sir, I support the motion of Dr. Sanyal for an adjournment.

(Mr. Syed Jalaluddin Hashemy rose to speak.)

Mr. SPEAKER: Mr. Hashemy, will you be able to finish your speech within 10 minutes?

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir. I shall take only seven minutes.

Mr. SPEAKER: All right; you can speak now.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, there are two issues before us for discussion: the order of Government regarding publication of news, etc., about the hunger-strike and the hunger-strike itself.

Sir, the Governor of the province might have been guided by the advice of the Council of Ministers in this matter, but I do not hold the entire Council of Ministers responsible. I hold only Sir Nazimuddin, Minister-in-charge of the Jails Department, entirely responsible for this situation.

Sir, I will draw a picture of the jail administration before the advent of this autonomous so-called popular Government and I have experience of the much maligned bureaucratic Government. We have found Sir Abdur Rahim as Member-in-charge of the Jails Department inside the jail. We have seen him speaking with ordinary prisoners with sympathy. We have seen Sir P. C. Mitter as Member-in-charge of Jails inside the jail visiting the prisoners. I can say without any hesitation that both Sir Abdur Rahim and Sir P. C. Mitter regarded prisoners as human beings. As prisoners we have also seen the Governor of the province to enquire about the grievances of the prisoners. When I was a prisoner in the Rajshahi Central Jail, I saw Sir Stanley Jackson who was the Governor of the province at that time and who went inside the jail to enquire of all the prisoners about their grievances. May I ask Sir Nazimuddin how many jails he has visited during his regime as the Minister-in-charge of the Jails in this province? Has he visited the Midnapore Central Jail? Has he gone to the Rajshahi Central Jail? To how many district jails has he gone to enquire about the grievances of the people? Sir Nazimuddin perhaps has not gone through the Jail Code Rules and Regulations. He is ignorant of all these things. He did not care to understand what jail administration is in India and particularly in Bengal. He is guided by unsympathetic Secretaries, Secretaries having no knowledge of jail administration, no sympathy for improving the jail administration. During the regime of Sir Nazimuddin these *goalmals* are going on and will be going on. I have already said that I do not hold the Hon'ble Minister or the Council of Ministers responsible for this. Sir Nazimuddin has no time to look after the prisoners. Let him be content with his biggest portfolio—I mean Police. He should transfer this portfolio to the Hon'ble Mr. Suhrawardy. These orders have been issued by the Government to suppress these things. Sir, I am not in favour of hunger-strike, but I must also at the same time make it clear that I am not in favour of luxury hunger-strike. Can these hunger-strikes be characterised as hunger-strikes for self-purification? Hunger-strike was resorted to by the Pope of Rome for the successful prosecution of the war. Hunger-strike is the last resort of these prisoners. They have no other course to ventilate their grievances, to put their grievances to the Government, to the public and to their countrymen. What earthly reason can there be on the part of the Government to suppress the news of this hunger-strike. If there is a hunger-strike and if that news goes to the guardians of the prisoners, they might come and persuade them to give up the strike. If that news goes to the leaders of the political parties they may go inside the jail and persuade the prisoners to suspend this dangerous thing. In this connection I would only request the Honourable Minister in charge, Sir Nazimuddin, to go inside the jail and see whether the rules and regulations are being

properly carried out. Let me say at once that the rules and regulations made under the Jail Code are not at all observed inside the big walls of the jails of Calcutta and its suburbs. If Sir Nazimuddin had the occasion to go inside the jails and understand these things personally, I can say that these incidents of hunger-strikes inside the jail would not have occurred.

I therefore support the motion for adjournment moved by Dr. Sanyal.

Mr. ABDUR RAHMAN SIDDIQI: Sir, the bringing forward of this ill-advised motion for adjournment to-night leads me to the conclusion that the decision was taken by a leaderless rabble—

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, he must withdraw that expression. (Cries of "withdraw, withdraw" from the Congress benches.)

Mr. ABDUR RAHMAN SIDDIQI: I will, if it is so desired, modify my remark and say that the decision was taken by a leaderless group of politicians. (Again there were interruptions and cries of "Withdraw, withdraw" from the Congress benches.)

Mr. SPEAKER: Mr. Siddiqi, I would request you to withdraw that remark.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I withdraw.

Sir, the decision to table this motion was taken by a group of misguided people who have shown an amount of ungratefulness which is astounding. They should show humility and consider themselves grateful for the generosity and kindness shown by the Government of Bengal in releasing a large number of political prisoners and providing amenities for them such as would serve as an example to any other province in India. We have also in our day, Sir, studied and tried to follow the philosophy of hunger-strikes. My own training, Sir, in a school of Indian politics has been that when I decide to go to jail, I decide to go there not as the proverbial *damad* (son-in-law) of the Government so that I may be given *halua* and *mithai* every morning. I go there to suffer and in a spirit of sacrifice for principles which I hold dear. I do not go to jail to raise a hue and cry if instead of two eggs I am supplied with one, or if I do not get a special newspaper to read. We go to jail not to seek comfort, not to demand delicacies but to suffer.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, can the honourable member be persuaded not to cast reflections and add insult to injury?

Mr. SPEAKER: Yes, but if you want anything to be done, is it not desirable that you should not give offence to others?

Mr. ABDUR RAHMAN SIDDIQI: I am sorry to note that ungratefulness has now become allied with unmannerliness. I expect that honourable members will show a better sense of decorum. I may say, Sir, that ungratefulness and bravado will not lead me away from the argument I am trying to make. As I was saying, Sir, these prisoners require some teaching—they go to jail not to demand amenities but to suffer.

Mr. B. MUKHERJEE: On a point of order, Sir. আমার বক্তৃতার সময় বহুবার প্রশ্ন উঠেছিলো যে adjournmentটা হোচেচ সংবাদপত্রে hunger-strikeএর খবর বন্ধ করা বৈধ কি অবৈধ হোয়েছে মাত্র এই কথার উপর এবং আমাকে আর কিছু বোলতে বাধা দেওয়া হোয়েছে কিন্তু এই স্পীকারটা যে কথা গুলো বোলছেন তাতে সেই বিষয়টার কি reference আছে?

Mr. SPEAKER: Your argument is that Government wanted to suppress the information about hunger-strike, but he is arguing that that is not so.

Mr. ABDUR RAHMAN SIDDIQI: Sir, if honourable member opposite——

(Interruption from Congress benches.)

Mr. SPEAKER: If in an adjournment motion, you do not allow a speaker to speak, it is very difficult for the Chair to allow any adjournment motion knowing full well that there is no proper debate. After all, even Mr. Siddiqi, who, according to you, may be one whose views cannot be accepted by anyone in this House, is entitled to have his say.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I——

(Interruption by Mr. Abu Hossain Sarkar.)

Mr. SPEAKER: Order order, Mr. Abu Hossain Sarkar, you are teaching very bad manners in this House.

Mr. SUBNATH BANERJEE: Sir, I anticipated this trouble. So, I expect that somebody from this side of the House would be allowed an opportunity to meet that point.

Mr. SPEAKER: Mr. Santosh Kumar Basu will do that.

Mr. ABDUR RAHMAN SIDDIQI: Sir, these pre-arranged disturbances and interruptions will not delude this House. The good words of advice I wanted to convey to them appear to be wasted. Hunger-strike is a means of getting oneself released. (Cries of "No, no" from Congress benches.) Its use as a political weapon is known to people. To put a new garb on it particularly at a time when people are receiving the very best treatment—and I am speaking on my book because I get information almost daily from friends who visit jails—I am certain that honourable gentlemen opposite are also satisfied with the treatment that is being given. To raise dust when things are settling down would seem to be the right policy for a group which, finding nothing else to talk about, has to find something new every day. Under these conditions and in such circumstances, I think a Government that is worth its name must take steps of the character which the Hon'ble Home Minister has taken. May, I, Sir, if it is allowed under the rules of this House, beg of the mover, through you, to withdraw the motion because instead of helping his friends, instead of bringing relief to the young men who have gone to jail for certain principles, for certain ideals of suffering and sacrifice for the cause, they will egg them on to action which might prove dangerous for those who go on hunger-strike? It is perhaps with this view that Government have come to the decision that news on the subject should not be broadcast and bombastic speeches should not be splashed over the columns of newspapers. I oppose the motion.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, on a serious and solemn occasion like this when an honourable member of this House chooses to disgrace his position within this chamber and outside by using language and expressing sentiments which do not do any credit to him, I evidently do not desire to emulate him and to follow him in those by-paths of acrimonious controversy which can only land us deeper in disgrace.

Sir, when the question of ingratitude is raised by one who is throwing mud and besmirching the attitude and intention of those who are responsible for raising him to a position of eminence, I refuse to take lessons in gratitude from him. (Mr. KIRAN SANKAR ROY: He is an expert.) When such a member calls a great Party in this Assembly

as a leaderless rabble, he only exposes the dark corners of his own mind and clothes it in language of which any one of us will feel ashamed. Sir, I desire to leave this aspect of the matter at this stage and do not want to follow it up any further.

Coming now to the subject matter of this discussion, we should be thankful to Dr. Sanyal and those who have followed him for bringing this matter up in this pointed manner in order to give the Hon'ble the Home Minister an opportunity of defending if he can, the most irresponsible action which he has taken on behalf of Government by issuing the order banning the publication of all news with regard to the hunger-strike which is now proceeding in jail. Sir, we understand that most of these political prisoners have been clapped in jail without any charge or trial. On the merest suspicion of the myrmidons of the police in the Special Branch and the Intelligence Department, they have been deprived of their liberty and clapped in jail. I should have thought that the treatment which the Government would mete out to these people who have not been given the ordinary advantage and opportunity of defending their liberties in a court of law would be treatment worthy of the Government and worthy of those whose liberty has been so ruthlessly taken away by executive fiat. But instead of that what they are doing now is that they are treating them much worse than they would treat ordinary convicts placed in Division III. That is the real grievance, Sir, which has been agitating the minds of those political prisoners. You are taking your stand upon these antiquated rules of the Jail Code and applying them to the new class of prisoners who have been recruited within the prison walls under the new circumstances which have arisen. If the Government of Bengal had the slightest imagination, they should have at once taken care to find out that the new class of prisoners who have been sent to jail under these new conditions have got to be given a different treatment even within the framework of the Jail Code. A little bit of humanity, a little bit of sympathy, a little bit of imagination would have enabled them to tide over the difficulties which are created even by the Jail Code. They could have devised certain principles and conventions by which some amount of consideration, some human understanding and some recognition of their status could have been shown to these prisoners, who have been drafted to the jails under the conditions brought about by the operation of the Defence of India Rules and the conditions of the war. That has not been done and that is the real trouble. Those of our colleagues who have recently been in jails have borne testimony on the floor of this House that the conditions prevailing in these jails are simply intolerable. I do not know how the Hon'ble Sir Nazimuddin will defend his position to-day. But if the speech made by the last speaker is a sample of the sort of defence that is going to be put forward on behalf of the Government I should be sorry for

the Government. I hope they will have a better case to put up, and I am sure that the Hon'ble Home Minister will not follow in the footsteps of the protagonist of his policy from his party who stood up and tried to defend him on this occasion. Sir, we are told that most of these prisoners have been arrested and put in jail on account of suspected infringement of the Defence of India Rules committed during the war. If that be so, then it is all the more incumbent upon the Government to differentiate their conditions from the conditions prevailing in the concentration camps of the enemies of the British Empire. You take your stand in defence, in justification, of this war that in their concentration camps and in their prison houses the enemy has adopted methods and measures which are unthinkable in civilised countries. If that be so, it is all the more incumbent upon you to find out means and methods which will differentiate the conditions prevailing in your jails from those in the concentration camps of your enemies. On the other hand, the conditions prevailing here, it has been stated on the floor of this House authoritatively by those who have recently come out of these jails, differ only slightly from the horrible conditions which have been painted as prevailing in enemy camps where political prisoners are placed before and during the war. By doing this, Sir, I think Government have not raised themselves in the estimation of the public: their moral stocks have not been raised by the promulgation of an Ordinance of this character which bans the publication of all possible news with regard to the hunger-strike. I find that one of the rules framed under the Defence of India Act lays down that to cause fear or alarm to the public or to any section of the public will be considered to be a prejudicial act. By the promulgation of this order under the Defence of India Rules, I charge Government with causing fear or alarm amongst the public, amongst the families of those unfortunate prisoners who have been kept in confinement and whose families, neighbours and relatives have been deprived of all authentic news with regard to this hunger-strike. You can well imagine what feelings of apprehension and alarm have been inspired in distant villages in connection with this matter. The very fact that Sir Nazimuddin has to stand up to-day and deny on the floor of the House that hunger-strike has been resorted to by the political prisoners in the Alipore Jail or by the inmates of the Dum-Dum Jail, that iself shows the immense amount of mischief that is being done by the promulgation of this Ordinance. Had it not been for this motion brought forward by Dr. Sanyal, this piece of information even would not have been vouchsafed to us. Members of the public would go on, legitimately, rightly and quite justifiably, entertaining all sorts of fear about prisoners in those jails where the Hon'ble Minister Says that hunger-strike has not been resorted to. This statement of Sir Nazimuddin is a condemnation of the order that he has himself promulgated. You are causing alarm: you are causing fear:

you are parties to the prevalence of rumours with regard to the hunger-strike for which this particular order must be held responsible. Government have cast their net wide and have caught within its fold a very large number of young men and a large number of prominent public men. They have been shut up in jails and nobody is now to be allowed to get any news through the authentic channels, through the well-recognised and orthodox channel of the Press—any news whatsoever—with regard to the conditions in the jails and what is now happening within them. Is it a state of affairs which can be contemplated with equanimity? Is it a state of affairs which Sir Nazimuddin will stand up and defend? If you want to gag all discussion, all information with regard to the hunger-strike, you are yourselves contributing to a situation which you profess to avoid. From that point of view I say that this order stands self-condemned. I would ask Sir Nazimuddin one simple question: I understand my honourable friend Rai Harendra Nath Chaudhuri in his capacity as a non-official visitor of the Dum-Dum Jail furnished the Hon'ble the Home Minister with a catalogue of grievances of the prisoners. I shall wait to hear from Sir Nazimuddin what steps have been taken to remedy those grievances. Even if hunger-strike has not spread there, what is there to prevent it if those grievances still remain unredressed? If complaints come to a member of the Visiting Committee, it is not only his right but his duty to draw the attention of the proper authorities to the existence of the grievances in the jail: and then if those grievances are not remedied, what is there to prevent a hunger-strike from spreading in that jail? Under these circumstances the sooner this order is withdrawn, the sooner information is allowed to be published in newspapers and comments of a legitimate character allowed to be made by responsible editors, the better it would be for everybody concerned. If any comment is made with regard to this hunger-strike, which is not authorised by law or otherwise objected to by Government, innumerable agencies are at work on the side of Government to punish the delinquent and to prevent such publication in newspapers. The Press Emergency Laws and the machinery set up by Government for this purpose, are at work and as in all other matters these days, the Press Adviser can exercise vigilance with regard to the views expressed in the papers in the ordinary course about ordinary matters which have now become extraordinary. Does it not show a total lack of appreciation on the part of the authorities? They are deliberately trying to shield from the public all information with regard to this matter. I submit, Sir, that in their own interests Government should withdraw this order. It does not raise them in the estimation of the public: it does not, as I have said already, improve their moral stocks. It only suggests that there is something to be ashamed of, something behind those prison walls which they are at pains to conceal from the public. That is a thing that they ought to take into consideration.

They can ban public meetings. Public meetings are held in public places and the people can see and know for themselves what is happening there. But inside the prison walls things happen with regard to which the public have no inkling; and if publication in the Press is banned, a greater responsibility is cast upon the shoulders of Government which it will be difficult for them to bear. Sir Nazimuddin in his reply to this debate may throw oil—to use a hackneyed expression —upon troubled waters. His attitude might go to solve the difficulties which have been created in these jails. The entire situation is in his hands. We do not want to complicate the situation by any provocative speech or any provocative word. I can only hope that Sir Nazimuddin will reciprocate this attitude on our part. I know there have been speeches by members on this side of the House, angry speeches which have come out of the anguish of their hearts. But I do hope that Sir Nazimuddin, in the full sense of the responsibility that he bears in this matter, will rise to the height of the occasion and make a conciliatory gesture which will bring the hunger-strike to an end as soon as news of his intention gets wind within the jails. (Cries of "Hear, hear," and loud cheers from the Opposition benches.)

Mr. SPEAKER: In view of the appeal made, I would request honourable members to allow Sir Nazimuddin to finish his speech uninterrupted.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there are many on this side of the House who have felt sympathy with those members of the Congress party in Bengal against whom the Congress High Command had taken disciplinary action. (Rai HARENDRA NATH CHAUDHURI: Why do you bring in irrelevant matters?) (Uproar from the Congress benches.) If that is the attitude of the members opposite, then I won't speak. (Mr. M. SHAMSUDDIN AHMED: There is no necessity of bringing in High Command or Low Command.)

As I was saying, Sir, many members have felt sympathy with those members of the Congress party in Bengal against whom the Congress High Command has taken disciplinary action. (A voice from the Congress benches: We do not believe you.) (Uproar.)

Mr. A. M. A. ZAMAN: আমি জানতে চাই আপনি কি Congress High Commandএর সঙ্গে বন্ধুত্ব কোরেছেন ?

Mr. SPEAKER: I am afraid I shall have to close the debate if this sort of interruption continues. The only result will be that whatever news the public can get about this matter from the publication of these proceedings, they will not get. It is really impossible for any Legislature to carry on if there is this kind of constant interruption by honourable members. They can do so outside this Chamber, but not here.

Rai HARENDRA NATH CHAUDHURI: Sir, will you not direct Sir Nazimuddin to be relevant?

Mr. SPEAKER: How can I say whether he is irrelevant until he finishes?

Mr. SANTOSH KUMAR BASU: Sir, it will be better if Sir Nazimuddin does not harp on the supposed differences of this side.

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the speeches made to-day and the attitude adopted by the Congress party, I mean that party over there belonging to the Congress and subject to the discipline of the Congress High Command, I am not surprised at the action that has been taken by the Congress High Command. I am referring to the opinion and order—it may be called express—by no less a person than Mr. Gandhi on the subject of hunger-strike. He has definitely told the people belonging to the Congress party that they should not resort to hunger-strike. He has suggested that no one but he can take to hunger-strike, and he has asked members of the Congress party that they should not resort to hunger-strike. I should have expected that those who believe him and those who follow him will at least express the same disapproval of the action of those who have deliberately defied his instructions and advice.

Then, Sir, I would refer to the gist of the speeches that have been made to-day excepting that of Mr. Santosh Kumar Basu. All the other speakers, if I may be permitted to say so, have been absolutely irrelevant. Their argument has nothing to do with the subject matter of discussion. I would now ask this House to consider how by this order we have tried to suppress the ventilation of grievances of the prisoners who are in jail. Supposing these people have not gone on hunger-strike, they could have, as they have always done, sent their complaints through the members of this House. What is more, there have been two members of this House who have only recently come out—one from Presidency and the other from the Alipore Central Jail. They could have supplied all the information to them personally. Every paper could have been utilised for ventilating their grievances, for bringing them to the notice of the public. These things could have been brought to this House, and what is more the entire public attention of Bengal could have been focussed on this question and the attention of the Government could have been drawn to the very serious state of affairs in the jails of Bengal. How is the Ordinance going to prevent anybody from doing that? But may I ask, did anybody take into consideration these things? There was no necessity for hunger-strike. All that is said is that by this order Government wanted to suppress the ventilation of the grievances of the prisoners. I wonder if there could be any worst type of speeches than that have been made in this House.

Government wanted by this order to prevent publication of statements and speeches which would have created bitter feelings, speeches which would have created incitement, hatred and which might have led to serious results. What is more, agitation for which purpose alone these gentlemen have gone on hunger-strike, that would have been accomplished if that order had not been published. Mr. Santosh Kumar Basu has said that because of the mere fact that these news are not available —who has gone on hunger-strike, what is happening—all kinds of wild rumours are spread. I would remind him and other honourable members of this House that on every occasion when there has been a hunger-strike and when there has been no prohibitory order, even then wild rumours of all kinds were published and circulated. I remember, Sir, that on the occasion of the hunger-strike in the Andamans the Leader of the Opposition interrupted the proceedings of the House and told the House that a certain hunger-striker had died in the Andamans, but it turned out to be absolutely false. (Mr. SANTOSH KUMAR BASU: That was because of the distance of the place.) In the case of the last hunger-strike also there were wild rumours about similar persons being on the verge of death, but actually that was not so. (Interruptions from the Congress benches.) I am sorry, Sir, there are irrelevant interruptions. In a short time I will read out to you the nature of the grievances for which these gentlemen have gone on hunger-strike, but what is more tragic is that the members who have spoken on this resolution to-day and the most important of all the Deputy Leader of the Opposition who has made a speech has made a statement which shows that he has not taken the trouble of ascertaining the facts. He has made a great point that these people who have gone there are a special class of people and why have not Government put them in a special category and framed special rules for them. These rules were published in the Gazette, and they have been put in a special class and special rules have been framed for them. The honourable member is a member of this House, and I believe he gets the Gazette, but he has not taken the trouble of looking at that. He has made the burden of his speech—why have not we done this?

Then, Sir, the Gazette has given you the rules, the provisions made in the Bengal Security Prisoners' Rules. (A voice: What is the date of the Gazette?) I cannot give the exact date. Sir, I have got only 15 minutes, and if I am interrupted in this way——

Mr. SPEAKER: It seems they are not anxious to get any news. (Laughter.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, who are the people who have gone on hunger-strike? It is not the people of Division III, not the convicted prisoners—it is those who have been detained under Rule 26, a limited number of them—I think, 15 of them.

These 15 or 20 people who ought to have been sent to Hijli but owing to delay in making arrangements they are detained here—they are the people who have gone on hunger-strike. They were detained here rather than being sent to Hijli because of the convenience of interviews and other facilities, and they are the people who have gone on hunger-strike. I may refer to the statement of Mr. Sibnath Banerjee and point out to him that when I went to the jail and sat across a table and talked to Mr. Sibnath Banerjee and others who are members of this House, at that time the Jail Code did not exist, and so anything could have been mentioned. Take the question of *tatti*-practice and waking up at 4-30. Are these new things? Have they not been practised before? Have not these members been in the jail? Were they ever mentioned during the budget time. Has any opportunity been given to Government to redress them? This is not a new question. Now whether they are political prisoners or other prisoners, if the conditions are intolerable, they are intolerable for other prisoners as well. For Division III prisoners, there is no speciality. There is no reason why a distinction should be made between people who have gone to jail on political grounds and those on other grounds. The question is, is it a genuine grievance or not? When I will read out the grievances of those who have gone on hunger-strike, you will find how ridiculous they are—I am sorry, I have used the word "ridiculous"; I would rather say—how unsubstantial they are. But I would go further and point out that the rules that we have framed for detaining those who are detained under Rule 26 compare most favourably with the rules that have been framed for those who are detained under Rule 26 by the Government of India and by other Provincial Governments. I challenge anybody who can say that they do not stand comparison with those of any other province. People like Mr. Patel and others who are detained under Rule 26——(Dr. NALINAKSHA SANYAL: Rule 129.) At present Rule 129 is a temporary thing and even those people who are detained under Rule 129 in Bengal are much better off than those who are similarly detained in other provinces, specially by the Government of India. If I chose to send some of these prisoners to Deoli under the direction of the Government of India, they would not only have been much worse off but they would not have been allowed to go on hunger-strike and, in that case, it would have been a very serious matter.

Now, I will just read out what are the demands of these prisoners—

(1) They want to be treated as a special class of prisoners by themselves unlike the convicted prisoners who are placed in different divisions according to their social status. education and habit of life. I think, these have been fully met by the rules that have been promulgated.

(2) (A) Fixed and sufficient allowance for food. This we cannot do because none of the provinces have done. Then, on principle, we

are not going to give any allowance under this rule. We are going to provide them with food, clothing and other articles to make their lives comfortable there, but no money in cash will be given. I may say that that is what is being done in other places. It is not possible to give them any allowance because there are many who think that there should be no monetary allowance given to them.

(B) Adequate monthly allowance for—

(*i*) Clothing.

(*ii*) Books, newspapers, periodicals and writing materials.

As far as these are concerned, the necessary writing materials are provided by Government at Government cost. The "Statesman" and the "Ajad" are provided at Government cost and as far as other newspapers are concerned, they may have the "Amrita Bazar Patrika," the "Ananda Bazar Patrika," "Jugantar," "Advance" and one or two other papers of this kind at their own cost. This was not allowed before, but as a result of an interview, I have given that permission.

Mr. SIBNATH BANERJEE: I request the Hon'ble Minister to ascertain the fact about the "Azad" and the "Statesman." We had to pay for them from our pockets. Government did not pay.

The Hon'ble Khwaja Sir NAZIMUDDIN: I can look into the question if a request for an enquiry is made, but that is the rule at the present time, and that has always been the rule.

(*iii*) Toilet (shaving, tooth-brush, tooth-paste, soap, hair-oil, etc.)

(*iv*) Expenses for religious purposes.

(C) Adequate allowance for initial expenses incurred after arrest (mattress, quilt, mosquito-nets, pillows, bed-sheets, trunk, suitcase, etc.).

(D) Allowance for winter (rug, warm shirts, coats, wrapper, etc.).

(E) Allowance for miscellaneous expenses (repair of watch, fountain pen, etc.).

(F) Allowance for sports and games.

(G) Allowance for dependants.

(3) Status of prisoners arrested under Rule 129 of the Defence of India Rules.

(4) All nationalist periodicals are to be allowed.

(5) Musical instruments to be allowed.

(6) Freedom of writing as many letters as necessary at Government cost.

(7) Better arrangement for interviews with friends and relatives.

(8) Abolition of the system of locking up of barracks where detenus stop.

(9) Facilities for the use of local libraries.

(10) Arrangement for examination fees.

(11) Arrangement for insurance premiums. (Loud laughter from the Coalition benches.)

Mr. KIRAN SANKAR ROY: Please tell them that they are not convicted prisoners.

The Hon'ble Khwaja Sir NAZIMUDDIN: My point is this. As far as legitimate grievances are concerned the most important one, that is No. (1) about classification, has already been met. As far as diet is concerned, I think that it has been practically met. I think they are now getting Division II diet which is the best given to those who are not doing any work. It comes to 9½ annas a day.

As far as Mr. Bankim Mukherjee's charge of his four months in jail under the most deplorable conditions is concerned, all I have got to say is: look at him after that.

Mr. SIBNATH BANERJEE: I had to spend Rs. 50 in two months.

The Hon'ble Khwaja Sir NAZIMUDDIN: You are not a convicted prisoner. He was a convicted prisoner. There is a difference between the two.

Mr. B. MUKHERJEE: You ought to have seen me as soon as I came out of the jail.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as these grievances are concerned, I am prepared to look into them. I have talked to these people across the table. I have been to Dum-Dum Jail and tried to redress their grievances. Even now I am prepared to do so, after the hunger-strike is stopped. My appeal to the Congress members is, according to the mandate of Mr. Gandhi, I think it is their duty to ask these people not to go against Mr. Gandhi and to accept his advice.

I have got a lot more to say but I want a decision on this. So, I am resuming my seat.

The question that the House do now adjourn was then put and a division was demanded.

(After the division bell was over.)

Mr. SPEAKER: I may just inform the House at this stage that the House will sit at 4 p.m. to-morrow and, if necessary, we shall have to meet for about two hours on Saturday, but that will depend on the progress we make to-morrow.

Dr. NALINAKSHA SANYAL: Sir, would you kindly let us have an idea of the programme that you are going to follow to-morrow, the day after to-morrow and also on Monday.

Mr. SPEAKER: So far as the Sales Tax Bill is concerned, it is for reference to Select Committee and by way of amendment there is only the motion for circulation. I do not therefore see that there is any necessity for a long debate. If we can finish the debate by to-morrow, there will be no necessity to sit again on Saturday.

Mr. SASANKA SEKHAR SANYAL: I would request you not to inflict the Saturday on us.

Mr. SPEAKER: I have already said that I do not want to meet on Saturday unless compelled to. I propose to meet to-morrow at 4 p.m. and we can continue for four hours, that is till 8 p.m. I hope this will give ample time to a sufficiently large number of members to speak.

Dr. NALINAKSHA SANYAL: Sir, this is a very important Bill of an original character and it is but proper that it should be thrashed out in detail. Therefore, we will require more time to deal with it.

Mr. SPEAKER: In case the discussion is not finished by to-morrow, it remains to be seen what we should do.

The question that the House do now adjourn was then put and a division taken.

Mr. SPEAKER: Before I announce the result of the voting, I want to make one point clear, namely, as regards the Press report of the proceedings about this adjournment motion. I think what Sir Nazimuddin meant was this, that the proceedings can be published in the newspapers without any comments, and there should be no comments whatever, and even bold headlines which are usual in such cases will not be permitted. That is what Sir Nazimuddin meant. Is not that so, Sir Nazimuddin?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

AYES—64.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Aziznuddin Ahmed, Mr.
Banerji, Mr. P.
Bandyopadhyay, Mr. Satya Priya.
Banerjee, Mr. Dhanik.
Barma, Babu Promhari.
Barua, Mr. Pugnajit.
Barman, Babu Shyama Prasad.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.

Das, Mr. Manmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maqbul Hossain, Mr.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Naskar, Mr. Hem Chandra.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisheri Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahiur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—104.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur, A.F.M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasehid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafuddin, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. G.
Chippendale, Mr. J. W.
Clark, Mr. L. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gladding, Mr. D.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Dr.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Pannni, Al-Hadj Maulvi.
Minter, Mr. G.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Mosleem Ali Mollah, Maulvi M.
Mozammel Haq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr., Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.

Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Pulton, Mr. W. S.
Rahaman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Lilla Monda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Sinclair, Mr. J. F.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Naji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zaher Ahmed Choudhury, Maulvi.

The Ayes being 64 and the Noes 104, the motion was lost.

Adjournment.

It being 8-10 p.m.—

The House was adjourned till 4 p.m. on Friday, the 29th November, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 29th November, 1940, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 207 members.

STARRED QUESTIONS

(to which oral answers were given)

Complaint against the Senior Teacher of the Laksham Guru Training School.

*12. **Maulvi MD. HASANUZZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that the Gurus under training at Laksham Guru Training Centre made written and oral complaints against the Senior Teacher to the District Inspector of Tippera and the Inspector of Schools, Chittagong Division;

(*ii*) that the District Inspector of Schools, Tippera, made an inquiry into the matter;

(*iii*) that all the Gurus submitted a petition to the District Inspector of Schools, Tippera, for the transfer of the Senior Teacher; and

(*iv*) that the Gurus proposed to go on strike but on the assurance given by the District Inspector the idea was dropped?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a copy of the report submitted by the District Inspector as a result of the inquiry?

(*c*) Do the Government contemplate the transfer of the Senior Teacher from there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) and (*c*) Yes.

(*b*) Such reports are confidential and their contents cannot be divulged.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to ask the Divisional Inspector to make an enquiry into the allegation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Government are prepared to do so.

Leave to assistants in the office of Director of Public Instruction for the purpose of training for B. T. Course.

***13. Maulvi AZHAR ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that prayer of Muslim assistants in the office of the Director of Public Instruction, Bengal, for leave with pay to undergo B. T. Course was rejected; and

(*ii*) that the prayer of two non-Muslim assistants for leave with pay for the same object were allowed?

(*b*) Will the Hon'ble Minister be pleased to state the number of Muslim assistants of the said office who had to resign their services for joining B. T. class durig the last 5 years?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason thereof?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Minister in charge of the Education Department): (*a*) (*i*) No.

(*ii*) Yes.

(*b*) None of the permanent hands but a probationary assistant resigned in 1940 in order to join a Training College.

(*c*) Does not arise.

Political prisoners, Chittagong.

***14. Mrs. NELLIE SEN GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware—

(*i*) that the political prisoners at Chittagong are taken to and from the jail and court handcuffed and tied by a rope; and

(*ii*) that no conveyance or umbrella is allowed to be used by them during the rains?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action he proposes to take in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) The attention of the Superintendent of Police has been drawn to the rules on the subject with instructions to follow them strictly.

Mr. ATUL CHANDRA SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether by taking prisoners handcuffed and tied by rope and with no conveyance or umbrella, the rules in question were infringed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to (*a*).

Mr. SURENDRA NATH BISWAS: With reference to answer (*b*), will the Hon'ble Minister be pleased to state what are the rules on the subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. I have not got the rules here.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any scope in the rules to view the rules leniently and apply it to certain classes of prisoners leniently?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already issued detailed instruction on the subject that unless there are real and adequate grounds, handcuffs and ropes should not be used.

Restriction of jute cultivation.

***15. Mr. MAQBUL HOSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is in the contemplation of Government to restrict jute cultivation for the next season?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the percentage of restriction per acre of jute-growing land?

(*c*) Will the Hon'ble Minister be pleased to state what substitute crops are advised by the Government to grow in those restricted jute lands?

(*d*) Is the Hon'ble Minister aware that there are lands on which no other crops can be grown except jute?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes. The necessary notification under section 9 of the Bengal Jute Regulation Act, 1940, was published in the *Calcutta Gazette Extraordinary* on the 26th September, 1940.

(*b*) As stated in the notification mentioned above, the area on which jute may be grown in 1941 has been fixed at one-third of the area recorded in 1940. This is a restriction of 66⅔ per cent.

(*c*) There are numerous substitute crops which can be grown in various parts of the Province, the principal of which is paddy. The Agriculture Department is arranging to give all possible advice and assistance to growers in this matter.

(*d*) Yes. Special provision for dealing with such lands has been made in sections 3 (*2*) and 10 (*1*) of the Regulation Act.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state why at the time of the last jute census in the Chandpur subdivision of the Tippera district, in preparing the *khatian* there was no mention as to which were the jute-growing lands?

Mr. SPEAKER: You have to put a separate question.

Mr. DHIRENDRA NATH DATTA: Did the Hon'ble Minister receive a telegram that the record as contemplated by section 3(*2*) was defective, because there was no column mentioned in the *khatian* where to show that there were lands on which jute could be grown?

The Hon'ble Mr. TAMIZUDDIN KHAN: Simply because there might not have been a column, that does not show that such lands could not be required.

Mr. SHAHEDALI: If it is not mentioned in the *khatian*, will the Hon'ble Minister be pleased to state how will it be possible for the officers to restrict and act according to sections 3(*2*) and 10(*1*) of the Jute Regulation Act?

The Hon'ble Mr. TAMIZUDDIN KHAN: First of all I do not know if it is a fact that there was no such column. Even if there was no such column, there might have been instructions issued to the officers to make special record of such lands.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that in no district in the province the lands on which no other crop than jute can be grown have been recorded as such?

Mr. SPEAKER: How is it possible to make Tippera a general case?

Mr. SURENDRA NATH BISWAS: There are general complaints, Sir.

Mr. SPEAKER: Put it generally.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that nowhere in the province of Bengal on which no other crop than jute can be grown have been recorded as such?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Mr. CHARU CHANDRA ROY : মাননীয় মন্ত্রী মহাশয় অবগত আছেন কি ৪ ধারা অনুসারে দরখাস্ত করলেও সে সমস্ত দরখাস্ত কোন যায়গায়ই শোনা হয় নাই?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of that.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state if jute will have to be grown on one-third of the same land as in the last year?

The Hon'ble Mr. TAMIZUDDIN KHAN: Not necessarily.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state what useful purpose will be served by regulating the area of jute cultivation in Bengal?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state what is the guarantee of cultivators that they will get a reasonable price even after restriction of jute-growing area in Bengal?

Mr. SPEAKER: That question does not arise.

Mr. DHIRENDRA NATH DATTA: In view of the complaints made from all sides of the House, will the Hon'ble Minister consider the desirability of having an enquiry made into the accuracy of records in respect of jute-growing lands?

The Hon'ble Mr. TAMIZUDDIN KHAN: If the records have not been made correctly, I think, the persons affected have had sufficient opportunities to file petitions. Now, it is too late, I think, to raise this question. Even now, the Collector has a general power of revision and if advantage is taken of the appropriate section of the Act, those aggrieved may get relief.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether, in view of the fact that about 60 lakhs of bales of jute will be supplied towards this year's consumption, Government have considered the desirability of reconsidering their decision with regard to restriction and of directing that no jute should be grown next year?

Mr. SPEAKER: That question does not arise.

Panel of English teachers and Sub-Inspectors of Schools.

***16. Maulvi MANIRUDDIN AKHAND:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total number of candidates included in the last panel for English teachers and Sub-Inspectors in the grade of Rs.75/8—2—175 of the Bengal Educational Service; and

(*ii*) how many of them have already got permanent posts?

(*b*) Is it in the contemplation of Government to form a fresh panel?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason of forming a fresh panel before the candidates in the existing panel are permanently appointed?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 41 Moslems and 39 non-Moslems.

(*ii*) 32 Moslems and 25 non-Moslems have already been provided in permanent and quasi-permanent vacancies.

(*b*) Yes.

(*c*) Some more of the candidates in the existing panel will be provided with appointments within the current year. As the number of vacancies in 1941 in the grade of English teachers and Sub-Inspectors of Schools is expected to be more than the number of candidates in the existing panel who will be left unprovided, it is proposed to prepare a fresh panel for 1941.

Middle English school in the Sadar subdivision of Murshidabad.

***17. Mr. SYED BADRUDDUJA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the names of—

(1) high English schools,

(2) middle English schools, and

(3) junior madrasahs,

at present existing in the rural area of the Sadar subdivision (Berhampore) of the Murshidabad district; and

(*ii*) the amount of Government grant-in-aid received by each of them?

(*b*) Is it a fact that there is not a single middle English school or a junior madrasah in the Hariharpara thana in the Sadar subdivision of Murshidabad?

(*c*) If the answer to (*b*) is in the affirmative, what steps do the Government propose taking for the spread of education in the above area?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement furnishing the information is laid on the table.

(*b*) No, there is a middle English school at Baruipara in the Hariharpara thana.

(*c*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 17.

	Monthly Government grant.
(1) High English Schools—	
1. Beldanga	Rs. 150.
2. Amtala	Nil.
3. Bhagirathpur	Nil.
4. Saktipur	Nil.
5. Damkul	Nil.
(2) Middle English Schools—	
1. Dapukuria	Rs. 21-8.
2. Beldanga	Rs. 50.
3. Andulbaria	District Board aided.
4. Hassanpur	District Board aided.
5. Maniknagar	District Board aided.
6. Baruipara	District Board aided.
7. Jitpur	District Board aided.
8. Sagarpara	Rs. 35.
(3) Junior Madrasahs—	
1. Bhabta	Rs. 58.
2. Muhammadpur	Rs. 50.
3. Jhunka	Rs. 50.
4. Sibnagar	Rs. 45.
5. Madanpur	Rs. 35.
6. Brindabanpur	Rs. 30.

Location of permanent headquarters of Noakhali district.

***18. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government have come to a final decision regarding the location of the permanent headquarters of the Noakhali district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any provision will be made in the Budget for the year 1941-42 for the purpose of construction of the new headquarters?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes. It has been decided that the headquarters of the district should be located at Begumganj.

(*b*) The matter is under consideration.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Communal ratio of staffs in Court of Wards' Estates in Rajshahi district.

12. Maulvi MANIRUDDIN AKHAND: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing in the different Court of Wards' Estates in the Rajshahi district—

(*a*) the present number of—

(1) Managers,

(2) Assistant Managers,

(3) Inspectors,

(4) Head Clerks,

(5) Clerks, excluding Head Clerk,

(6) typists,

(7) paid probationers,

(8) unpaid probationers,

(9) Tahsildars, and

(10) Tahsildar assistants;

(*b*) the number of them that are—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims; and

(*c*) how many of them belong to the district?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 12.

Serial No.	Designation.	Caste Hindus.	Scheduled Castes.	Muslims.	Total.	Belong to the Rajshahi district.
1	Managers ..	3	..	..	3	..
2	Assistant Manager	..	..	..	..	..
3	Inspectors ..	5	..	..	5	..
4	Head Clerks ..	3	..	..	3	1
5	Clerks excluding Head Clerk.	23	..	1	24	9
6	Typists ..	2	..	..	2	1
7	Paid probationer ..	..	..	1	1	1
8	Unpaid probationer	..	..	..	..	..
9	Tahsildars ..	23	..	16	39	13
10	Tahsildars' assistants.	21	..	10	31	10
	Total ..	80	..	28	108*	35

*Excluding a post of a paid probationer and that of a Tahsildar which are at present lying vacant.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if the attention of Government has been drawn to the fact of the dearth of Muslim and Scheduled Caste service-holders in items Nos. 1 to 8 and what remedy Government propose to compensate the grievances of the Muslims and Scheduled Castes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As I had occasion to state more than once on the floor of this House, most of these appointments were made before the present Government came into power and Government have since decided that in future the Communal Ratio Rules should be made applicable to Court of Wards services as far as possible.

Appointment of Sub-Inspector of Schools as Subdivisional Inspector of Schools.

13. Mr. TARINI CHARAN PRAMANIK: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Sub-Inspectors of Schools, who are posted at district headquarters and help the District Inspectors of Schools in clerical work, are generally

appointed to officiate in the leave vacancy of the Subdivisional Inspector of Schools without consideration of the claims of other senior Sub-Inspectors of the district?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the last two years, officiating arrangements in leave vacancies in the posts of the Subdivisional Inspectors of Schools with the following particulars:—

(*i*) name of vacancy; and

(*ii*) name of Sub-Inspectors who officiated, showing their head-quarters, qualifications, pay prior to officiating appointment, length of service, period for which each of them officiated and also name of Sub-Inspectors of the district superseded in each case, if any, showing their qualifications, length of service, pay and reasons for supersession?

(*c*) Will the Hon'ble Minister be pleased to lay on the table another statement showing for the last 3 years—

(*i*) Subdivisional Inspectors of Schools appointed with dates;

(*ii*) their qualifications, dates of first appointment in Government service;

(*iii*) period during which they acted as Sub-Inspectors; and

(*iv*) special reasons, if any, for appointment as Subdivisional Inspectors?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing trained Sub-Inspectors of Schools who are serving in the department for more than 20 years with the following particulars:—

(1) name of officer;

(2) qualification;

(3) length of service;

(4) present pay of each; and

(5) reasons for supersession, if any?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) In terms of Article 98 of the Civil Service Regulations local arrangements are generally made in leave vacancies for periods not exceeding 4 months. When a Subdivisional Inspector of Schools goes on leave for a period not exceeding 4 months the most senior Sub-Inspector of Schools who is locally and readily available is appointed to act as Subdivisional Inspector of

Schools without any consideration as to whether there are Sub-Inspectors of Schools senior to him elsewhere in the district. Such local arrangement constitutes no supersession of claims of other officers.

(*b*) In view of the answer to question (*a*) it will serve no useful purpose to collect the information which will involve a good deal of labour and time.

(*c*) (*i*) to (*iii*) A statement is laid on the Library table.

(*iv*) Nos. 1-4, 6-13 and 15-20 in the statement were considered suitable for promotion. Nos. 5 and 14 were directly recruited to the grade of Subdivisional Inspector of Schools.

(*d*) (1) to (4) A statement furnishing the particulars is laid on the Library table.

(5) Promotion depends on merit combined with seniority and not on seniority alone. They were not considered fit for promotion for the grade of Subdivisional Inspectors of Schools.

Building of Bar Association of Satkhira, Khulna.

14. Mr. PATIRAM ROY: (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) whether the building of the Bar Association of Satkhira in the district of Khulna stands on Government land;

(*ii*) how the right and title of the land on which the building stands passed to the Bar Association and by what deeds, if any; and

(*iii*) whether the use and occupation of the building are restricted to only a particular sect of the members of the Bar Association?

(*b*) If the answers to (*a*) (*i*) and (*iii*) are in the affirmative, will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government for taking steps for extending the use and occupation of the building to all the members alike?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) Yes.

(*ii*) Government granted permissive possession to the Bar Association by a registered deed, dated the 18th July, 1921.

(*iii*) No, open to all members of the Bar Association.

(*b*) Does not arise.

Stipends for Scheduled Caste students in aided high English schools in Nadia.

15. Babu LAKSHMI NARAYAN BISWAS: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*a*) the names of high English schools at present existing in the district of Nadia;

(*b*) the place where they are situated;

(*c*) the number of them getting Government grant-in-aid;

(*d*) the number of Scheduled Caste students studying in each class (from class VII to class X) in each of those schools; and

(*e*) the number of Scheduled Caste students getting stipends out of the Rs.5 lakhs meant for the Scheduled Castes?

The Hon'ble Mr. A. K. FAZLUL HUQ: A statement furnishing the information is laid on the Library table.

GOVERNMENT BILL.

The Bengal Finance (Sales Tax) Bill, 1941.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg leave to introduce the Bengal Finance (Sales Tax) Bill, 1941.

(Secretary then read out the short title of the Bill.)

Sir, I beg further to move that the said Bill be referred to a Select Committee consisting of—

(1) Alhaj Maulvi Giasuddin Ahmed Chowdhury,

(2) Khan Bahadur Maulvi Mahtabuddin Ahmed,

(3) Mr. Ahmed Ali Mridha,

(4) Mr. Md. Mohsin Ali,

(5) Rai Sahib Kirit Bhusan Das,

(6) Mr. Debi Prasad Khaitan,

(7) Sir Henry Birkmyre, Bart.,

(8) Mr. H. R. Norton,

(9) Mr. Ramizuddin Ahmed, and

(10) the Hon'ble Mr. H. S. Suhrawardy,

with instructions to submit their report by the 21st December, 1940, the number of members forming the quorum being four.

In case we get the names from the Congress Party of gentlemen who may be willing to serve on the Select Committee, I shall ask for your permission to include them.

Sir, in moving this motion, I am doing so with mingled feelings for after all I am presenting to this House a new proposal for taxation. There is some hesitation, some diffidence, some regret, because I know that I am offering a wonderful handle to our opponents. All the alleged *proja bandhus*, *dorodis*, *hitaishis* and *hitakankis* will come forward from their burrows (Mr. M. SHAMSUDDIN AHMED: What about labour *bandhus*) and, shall I say, in the name of the masses and in the name of the agriculturists will beat their breasts, throw dust and ashes on their heads (Dr. NALINAKSHA SANYAL: And challenge your monopoly) and will wail like banshees. They will do so in an attempt, which I am sure will be in vain to make political capital out of this and try and run down the Ministry in power. They will magnify all the effects of this tax and make out that it will fall on the poor of the province. I am giving them this opportunity with eyes open and giving it to them also before the elections. (Dr. NALINAKSHA SANYAL: A brave man!) But I am doing so in the fullest belief that they will miserably fail to shake the confidence which the people of Bengal have in us, their belief that whatever we do, whatever measures we take, we do so for their benefit and their benefit alone. The record of our four years' service, of our constant endeavours to ameliorate the condition of the people, of the many indications that we have given that their welfare is our sole and abiding thought, is a record of service to which we can with humility and with confidence lay claim. And these little *dorodis*, *hitaishis* and *hitakankis* and beaters of breasts must and will fail to break asunder the links which bind us to the people of this province.

Mingled, Sir, with these feelings is a feeling of rejoicing that it has fallen to my lot to introduce a measure, which is calculated to confer benefit on the people of Bengal of unimaginable magnitude at a very small sacrifice. Owing to want of funds we have not been able to take up those large measures for the amelioration of the condition of the people which form a part of our programme and which we are most anxious to take in hand. Whereas it is true that our legislative measures have rescued our people from the clutches of exacting landlords, and usurious *mahajans*, have given the masses the hope and the will to live and survive, have saved them from illegal exactions and from the crushing burden of indebtedness, whereas it is true that side by side with these we have increased our expenditure in the various nation-building departments, and done whatever was possible with the money at our disposal, it cannot be denied that for the last two

years we have been running deficit budgets and it is impossible to carry on in this manner any longer. If we do not augment our resources, we shall have to cut down all that we have done, and more than that we shall not be able to put into operation all those beneficent measures for which you and I, the Government Block and the Opposition, are all clamouring.

In February last when I presented the Budget I told the House that the revenue available to the Ministry was not sufficient to allow us to undertake even the most urgent of the many schemes that make up our programme of constructive development. I warned the House that before the end of the year I would bring forward proposals for new taxation. This Bill which I am asking the House to refer to a Select Committee contains the measures that I foreshadowed at that time and is intended to make available funds for tackling some at least of our most urgent problems.

I should like to assume this afternoon that no one will seriously deny that the resources at the disposal of the Government of this province are insufficient. Our *per capita* expenditure on education, public health and agriculture is lower than that of any of the other major provinces in India. Our *per capita* expenditure on education is one-third of that of Bombay and one-half of that of the Punjab and of Madras. The Land Revenue Commission's Report bears eloquent testimony to the inadequacy of the provision that Government have been able to make for agriculture. In paragraph 207 of their Report the Commission place the minimum required for the proper functioning of the Agriculture Department at Rs. 27 lakhs a year. The provision in the current year's budget is Rs. 17 lakhs: 17 against the Commission's estimated minimum of 27.

If the House desires, I shall have no difficulty in supplying plenty of other instances of the directions in which the standard of the services we are now providing falls considerably below what we must regard as the bare minimum.

Dr. NALINAKSHA SANYAL: What about the Rs. 47 lakhs of which you spoke?

The Hon'ble Mr. H. S. SUHRAWARDY: You will hear things such as I am sure will turn your teeth sour in your mouth.

We have not yet been able to introduce primary education as yet in all the districts of Bengal. When the scheme is in full swing, it may impose an additional burden of at least one crore and thirty-seven lakhs on our provincial revenue. Technical education is almost at a standstill. We are unable to give that encouragement to industries, big and small, which may help to augment the resources of our people. I

am considering large schemes of electricity development. I cannot take them in hand with a deficit budget. Our medical institutions need strengthening and expansion. We want more hospitals and better nursing facilities. We have spent considerable amounts already on public health and have increased grants in various directions, but much still remains to be done. A comprehensive scheme for rural medical units may throw upon us a recurring expenditure of 30 lakhs of rupees. We are ready with maternity and child welfare and anti-tuberculosis and anti-leprosy schemes. Social hygiene, its treatment and propaganda, have been neglected. Better and more hygienic houses in the rural areas, neat clean dwellings for the labourers and the poorer classes must be taken in hand—but we can do nothing with our present resources. The Department of Agriculture needs considerable expansion, more farms and a greater supply of good seeds. Our cattle are deficient in every way; they must be properly treated and fed, and their condition improved. We cannot take up a comprehensive scheme of water-supply for lack of funds. Resuscitation of rivers and canals is an urgent and necessary programme, but every scheme in this direction is expensive. We must provide greater and greater facilities for rural credit. The Co-operative Department has to be rehabilitated. The Department of Fisheries must be opened in right earnest. We must expand our cinchona plantations. Our methods of relieving distress are more spacious than that of previous Governments, and we need more resources for the purpose. We are considering these and many other schemes, and it is only lack of funds which prevents us from taking them in hand. I do not claim that we shall be able to do everything from the proceeds of our taxation, but we shall certainly be able to do big things in a big way and confer real and lasting benefits on the people of the province.

To those, Sir, who have followed the fortune of our finance ever since the Meston Award, who have seen how we have had to retrench and starve in order to keep the wheels of the administration moving, there can be no doubt in their minds, whatever they may say for political reasons, that there is necessity for new taxation. Our *per capita* income, I believe, is the lowest for any major province in India. Our *per capita* expenditure is not only inadequate but heart-rending in its inadequacy. Many many have been the taxation proposals which we have considered, and the fact that I am introducing this tax does not imply that I have given up consideration of other methods of taxation. These will be imposed in due course as occasion requires. The reason why I have chosen this tax rather than any other is because, for a small sacrifice and at a small cost, it is expected to yield a substantial revenue which will enable us, as I have said, to do big things in a big way. This is not the time for small tinkering taxation, small pin-pricks for just covering small deficits, and I hope the House will agree with me in the view that we have taken on this occasion.

We hope to raise two crores of rupees at a small cost, probably not exceeding seven lakhs, by the imposition of a tax of 2 per cent. on all retail sales, which works out at one pice on a sale of twelve annas. This tax will be levied once only in the chain of transactions that takes place on any particular article from the manufacturer or importer to the consumer. It will not be levied on the sale of goods every time they change ownership. Our intention is to tax only one of these changes, and for this reason we speak of the proposed tax as a one-point or single-point tax.

I have no desire to conceal that the essence of a sales tax is that it falls on the consumer. The system under which the incidence of the tax can be seen most clearly is that in which, as in certain States of America, the tax is actually collected from the customer at the time of purchase separately from the price of the article that he is purchasing. The adoption of a similar practice in this country would entail a very expensive machinery and the device by which we propose to ensure that this tax shall in fact be a one-point tax is a system of registration of dealers. All dealers, except very small ones, will be registered, and in this context by the term "dealer" I include not only shop-keepers but also all firms of importers and manufacturers, contractors and wholesale and retail distributors; all these will be registered. There will be no tax on sales by one registered dealer to another; the tax will be only on sales by a registered dealer to an unregistered person—whether such person is a consumer or a petty dealer who will resell to the actual consumer. The method of collection envisaged in the Bill before you is, therefore, the periodical payment by the dealer of the amount of tax due on his aggregate taxable sales.

Judging from the criticisms that I have read in the Press recently, it seems that this system of registration has given rise to a great deal of misunderstanding and it is, therefore, necessary for me to emphasise that this tax is not a tax on shop-keepers; it is a tax on sales and will be borne by the consumer. It may be, of course, that in some trades where the competition is exceptionally keen the dealer may at first find it difficult to pass on all the tax, or where the margin of profit is considerable, he may not try to do so, but there is no doubt that in the long run the tax will be passed on and the consumer will in fact have to pay on an average 2 per cent. more for articles the sales of which will henceforth be taxable

Although in principle the tax is a tax on the final sale to the consumer, the cost of collecting this tax from a host of very small dealers would be prohibitive. It is necessary, therefore, purely for purposes of administration, to treat sales to small dealers and sales to individual customers alike. It is quite immaterial to the public as tax-payer at what level we fix the taxable quantum, *i.e.*, the amount of turnover

that will decide whether a dealer is to be held responsible for the payment to Government of the tax. For the general body of dealers we have proposed as a start to fix the taxable quantum at Rs. 20,000. That does not mean that consumers who buy from dealers whose turnover is below this figure are going to escape the tax or will be able to buy their goods more cheaply than if they went to a registered dealer who pays the tax. It merely means that for the sake of convenience and economy in administration the tax will be collected at an earlier stage from the large dealer who supplies the small dealer. Just as an individual customer purchasing an umbrella from a registered dealer will have to pay a slightly higher price than at present, so will the small shop-keeper purchasing, say, two dozen umbrellas from the same registered dealer have to pay a proportionately higher price; he in his turn will recover the amount of the tax by charging his customers 2 per cent. extra on the old price when they come to buy an umbrella.

So much then for the main principle of the Bill and for the way in which it will work. I shall now say a few words about the exemptions. These fall into four main divisions:—

Firstly, raw materials sold to manufacturers; to impose a tax on the sale of raw materials would be to put the Bengal manufacturer at a disadvantage *vis-à-vis* his competitor in other provinces; it would also be tantamount to taxing the sale of the same thing twice, once in its raw state (a piece of leather) and again as a finished article (a shoe).

Secondly, the foodstuffs that form the staple diet of the poorer classes, such as rice, *dhal*, salt, *gur*, molasses, sugar, bread and milk. This class of exemption calls for no comment.

Thirdly, we propose to exempt the sale of goods which are already subject to a tax under a special Act, *e. g.*, electricity and petrol. The reason for this will be obvious: there is already in existence a machinery specially designed for the purpose of collecting a tax on these sales and if any additional revenue is wanted from such sources, the proper course would be to enhance the rate of the specific tax.

Fourthly, the sale of goods consigned to an address outside Bengal. Ordinarily retail dealers have only a local market, but Calcutta is the shopping centre for many persons in Assam, Bihar, the United Provinces and Orissa. We have no wish to handicap this trade or to discourage persons in other provinces from patronising Calcutta shops and firms.

It may be that other articles in respect of which good grounds for exemption can be advanced will suggest themselves. On such suggestions the advice of the Select Committee will be most valuable, but I hope that the House will agree with me that it is desirable to keep the number of exemptions as low as possible: the greater the number of

exemptions, the more complicated will be the accounts to be kept by dealers and the larger the staff necessary to check the returns. The more uniform and simple we keep the tax the cheaper it will be to collect and the less trouble it will cause to dealers; it is mainly on these grounds that the Bill proposes a uniform rate upon the sale of *all* articles and does not provide for a higher rate on luxuries. It is essential at the outset, when the tax is new and the collection staff inexperienced, not to attempt complicated refinements; after practical experience has been gained, we may consider whether it is desirable to ask the Legislature to empower Government to fix a higher rate on the sales of any particular class of goods.

Some of you may wonder why we have chosen to tax only retail sales instead of putting the tax at a lower rate upon all sales, as in Madras. There are many good reasons: in the first place, a retail sales tax will be simpler and cheaper to administer: secondly, generally speaking, retail dealers cater for the local market and they cannot move their business outside the area in which the tax will apply. It would not be so difficult for businesses other than retail dealers to arrange to conduct their business beyond the borders of the province, and, as I said before in explaining the reasons for the exemption of goods consigned to addresses outside Bengal it is essential to see that the tax is of such a kind that it will not tend to drive business out of Bengal. Thirdly, in the case of a general turnover tax it is difficult to ascertain with any accuracy upon whom the tax actually falls. It is also more difficult to stop attempts at profiteering. With the one-point tax it will be comparatively simple to calculate the rise in price that the consumer may legitimately be called upon to bear as a result of the imposition of this tax. Fourthly, the tendency of a general turnover tax is to interfere with existing trade pratices with a view to the elimination of intermediate changes of ownership. This tends to drive the small shop-keeper out of business or at least to put him at a disadvantage. Goods sold by a small shop-keeper have in all probability changed hands more often and would, therefore, have been taxed more often than goods sold in a large shop. As each dealer tries to pass on the tax, a small shop-keeper will find that in order to cover himself he will have to charge that little extra in comparison with large shops which will tend to drive away business from him to a large shop where prices are just a little lower.

In legislating for the levy of any kind of sales tax two points are of cardinal concern: to keep the cost of collection low, and to interfere with the flow of commerce or with ordinary trade practice as little as possible. I maintain that this Bill keeps these two very important objectives steadily in view. The scheme which we have proposed will not be an expensive one to operate. It is difficult at this stage to make an accurate estimate of the cost of collection, but I am fairly confident

that this can be kept within seven lakhs of rupees and if our estimate of Rs. 2 crores as the yield with the tax at 2 per cent. is anywhere near the mark the percentage required to meet the cost of collection will be remarkably low.

With regard to the second point, I maintain that there is nothing in this Bill that is likely to interfere with trade or industry. As far as it is possible to foresee the only change that any dealer will be called on to make will be the separation of his taxable sales from his tax-free sales. Clause 11 need cause no alarm. We do not intend to prescribe elaborate methods of keeping accounts. The clause merely means that registered dealers will be required to keep only such accounts as are necessary to enable their periodical returns to be checked. No one can seriously contend that this obligation will constitute an interference with trade. Similarly the returns that dealers will be required to furnish will be kept as simple as possible.

Clause 12 may perhaps conjure up visions of daily visits by inquisitive officers worrying the staff in the accounts branch. There will be nothing of this sort. It is hoped that the occasion on which any inspection of accounts will be necessary will be few. Experience shows that to ensure effective collection of a tax of this kind it is essential for Government to have such powers in reserve, but the great body of honest dealers have nothing to fear from the existence of these powers. I have heard surprise expressed at the provisions of clauses 16 and 17 which empower the executive to determine certain questions affecting the liabilities of dealers and exclude the jurisdiction of the civil courts. There need be no cause for alarm. This power is taken primarily in the interests of dealers themselves. It is designed to prevent just that friction and drag on the movement of commerce that dealers themselves apprehend. In a new measure of this nature there are bound to be many doubtful points and I am sure dealers will agree that it is in their own interest that provision should be made by which they can obtain a quick decision. The Bill provides that the executive officer in charge of the administration of the Act shall decide such points of doubt. If his decisions are liable to be reversed at any time by a civil court whose verdict may not be known for weeks, perhaps months, the whole advantage of the quick decision will be lost and the consequential uncertainty would soon produce chaos both in the operation of the Act and in the world of trade. There is, I think, ample safeguard against the abuse of this authority in the general powers of revision vested in the Board of Revenue.

I repeat, therefore, that none of the provisions of this Bill need cause dealers any fear of harassment. The Bill honours the principle of not interfering unduly with the conduct of business and I can assure

the House that this very important principle will also be borne in mind both when the rules are framed and when we come to the administration of the measure.

One word more and I have done. I would like to assure this House that this increase of funds at our disposal will make no difference to the stringency of our scrutiny in the Finance Department. On the other hand, the responsibility on us will become all the greater on account of the burden, which we are imposing on the general populace.

There is just the danger that with the augmentation of our resources, attempts will be made to utilize these resources for schemes which may be kept in the background while more urgent and more beneficent schemes should have priority. I can assure the House, however, that I will resist such attempts with all my power. I would rather keep the money in the coffers of Government; I would rather build up a reserve than dissipate it on schemes which are not urgent and which ought to give way to schemes for which there is a crying need. I hope, in this policy I shall have the support of the House. I commend my motion for its acceptance.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move, by way of amendment, that the Bengal Finance (Sales Tax) Bill, 1941, be circulated for the purpose of eliciting opinion thereon by the 31st March, 1941.

Sir, I move this motion as, I believe, that the country has not been able to appreciate the mischief that is going to be done if the Bill be passed into law. Moreover, I consider that this Bill is a backdoor legislation. In the midst of a financial year, it is not right to introduce a legislation of this nature without disclosing the financial position of the Government. Nobody knows whether Government will have a surplus or a deficit budget at the end of the year. The country, of course, has every right to know the financial position of the Government before they are asked to pay a tax to the public exchequer. No doubt, the Finance Minister says, that in his last budget speech, he gave some indications of fresh taxation, but everyone expected that before he brought forward a legislation of this nature—a drastic legislation, no doubt—he would let us know the exact financial position.

At the same time, Sir, no indication has been given as to how the money proposed to be collected by this taxation measure will be spent. Mr. Suhrawardy, no doubt, has given us a catalogue of good things he proposes to do to the public at large. But, Sir, may I ask what time is left for him to do these good things. (The Hon'ble Mr. H. S. SUHRAWARDY: We are leaving this money for you to do.) He has already spent 4 years out of his term of 5 years in his shilly-shallying process and in the last year of his term, he is holding out the hope that

he will do this and he will do that. This is practically nothing but to hoodwink the public only. The Hon'ble Mr. Suhrawardy knows perfectly well that the statement that he has made is nothing but future election propaganda. In one year, nobody can bring millennium to the country. So, giving this catalogue to the House is not at all sincere—of course, nobody expects any sincerity from the present Finance Minister because he has spent his whole life in doing propaganda and without doing practically any good thing for the country.

Moreover, Sir, nobody knows what will be the turnover. In his speech, of course, he says that he expects the collection to be about 2 crores of rupees. In the Statement of Objects and Reasons, there is nothing to indicate the turnover and, therefore, honest people begin to doubt that his collections also may be consumed in organising the department only and creating a few new posts for obliging the party or giving new jobs to the relatives of the present Ministry.

Then, again, I may ask what is the justification for bringing this new taxation? Four years back when this Ministry accepted office, there was a big surplus How did they spend the money? The country knows that they have squandered the money right and left. They set up the Land Revenue Commission and spent a vast amount of money to get a report Again they employed another gentleman to have supplementary suggestions to that report and everybody knows now that the report is not going to be given effect to.

Then again, they set up various Committees, Jute Committee, Paddy Committee, Land Erosion Committee and several other Committees including the Chaukidari Committee and we know that wherever a report has been received, it will rot in the archives of the Government Secretariat. In the case of some Committees, the sittings are not yet taking place. They are being kept over and nobody knows what amount is being spent and what work is being done with these reports and with the members of those Committees.

Then again, Sir, vast sums have been given to subsidise newspapers which will support the present Ministry and trash newspapers are started to make propaganda out of public money.

Again, I say a good deal of money was being taken in every budget in the name of secret police and it is being spent on a particular party organisation.

Then again, Sir, it is reported that all the goondas who were turned out of Calcutta by Sir Charles Tegart and other police officers previously were brought back and supplied with motor cars and substantial pay in the name of labour organisation and thereby spending a good deal of public money and misappropriating public money, if I may say so.

More than a lakh of people were brought down here in Calcutta at the time of no-confidence motion only to make propaganda, and it is reported that money was spent in organising demonstrations.

The Hon'ble Mr. H. S. SUHRAWARDY: Bitter gall and wormwood.

Maulvi ABU HOSSAIN SARKAR: Tours and cross-tours are made by the Hon'ble Ministers to realise the secret satisfaction that so many people come to see the fun.

Then, Sir, as one of my friends says, they are making tours to Delhi, Bombay and some other places and nobody knows for what. I doubt whether any benefit is being derived by our province from those tours.

New posts have been created for no other purpose than to satisfy some of the relatives and friends of the Ministers as well as friends of the party members who support this Ministry. Regular payments have also been made to people of doubtful character to harass persons who speak against this Ministry.

Now, Sir, coming to the merits of the Bill I submit that this taxation measure will only raise the prices of necessities in this province which already is running high due to the war conditions now prevailing. Further, jute is being exempted from the operation of this Act. Tea also is being practically exempted. Generally these two commodities are exported. With regard to these commodities which are exported out of India, no doubt some contracts are entered into in Calcutta or within this province but when this measure will be passed into law, apparently no contract will be entered into in Calcutta or in this province. These commodities will be exported out of India and all contracts and payments will be made there. Therefore, these two important items, jute and tea, will not come within the clutches of this measure. Then, Sir, electricity will also be exempted as well as the European hotels and wine shops. There is a provision that if food articles and spirituous liquors are sold within the premises no taxation will be made on the sale of those things. Sir, it is a common knowledge that these European establishments, hotels and wine shops, sell everything in their own premises. Therefore, Sir, all exportable articles such as jute, tea and hide, the business of which is mainly in the hands of the Europeans and European establishments like big hotels and wine shops will be relieved of the heavy burden of this new taxation. I congratulate my honourable friends to my left on their being relieved from the operation of this Act (cries of "Shame," "Shame"). I submit there is nothing to be ashamed of in this matter. I say this has come to my European friends by way of recompense for their having

saved the Ministry by voting with the Ministers on the occasion of the no-confidence motion. By this measure the Hon'ble Mr. H. S. Suhrawardy is trying to satisfy those gentlemen who saved him and his Cabinet by their precious thirty votes.

Then, Sir, there is no provision in this Bill for bringing within its operation persons who will be carrying on business at Chandernagor or on the border lines of Assam, Bihar or Orissa. Sir, the Joint Stock Companies who deal in shares and partnership business have to spend a good deal of money. These companies have got to be registered under the Companies Act and for that purpose they have to buy forms and pay fees therefor. These companies have got to pay income-tax, super-tax, municipal taxes, our flat rate tax of thirty rupees, and on the top of that they will have to pay this tax also. I ask the Hon'ble Mr. Suhrawardy, for what purpose? Why has the Hon'ble Minister brought in this additional burden of taxation on the poor people of Bengal who are already very heavily taxed? Is it as a sort of punishment for allowing these honourable gentlemen to be Ministers and to sit tight on the Ministerial *gaddi* for the last four years? Then, Sir, I want to know what benefit the country is going to derive from this taxation measure. Then other things also can be said against this measure. What this Ministry has done for the country, let us see. (The Hon'ble A. K. FAZLUL HUQ: Nothing!) Yes, he is perfectly right; the Ministry has done nothing. They have imposed a flat rate tax of Rs. 30. What is the benefit that we have derived? The Ministry will impose free primary education cess, but is the country prepared for that? Then, Sir, to crown all, the Hon'ble Mr. Suhrawardy is doing public good and trying to introduce industry and other things in papers while the country people are going to die like cats and dogs, as jute is being sold at the rate of Rs. 2-8 or Rs. 3 per maund.

Mr. SPEAKER: Your time is up.

Mr. M. SHAMSUDDIN AHMED: May I request you to allow him a few minutes more?

Mr. SPEAKER: My difficulty is that there will be many speakers from your group who would like to speak.

Mr. M. SHAMSUDDIN AHMED: No, Sir; there will not be many from my party.

Mr. SPEAKER: Then it is all right. He can continue.

Maulvi ABU HOSSAIN SARKAR: This taxation measure will ultimately react on the poor cultivators and though Mr. Suhrawardy knew

that we would oppose this measure, he tried to pin-prick us in the very beginning of his speech. He knew it perfectly well that he was doing something which would not be liked by the people and especially by us who claim to represent the agriculturists. Mr. Suhrawardy has got nothing to do with the agriculturists. He was elected by representatives who were either towns people or people residing in the 24-Parganas municipalities. Therefore, Sir, when he anticipated that a good deal of opposition would come from this side, he wrote out a few lines deliberately in the first page of his written speech.

However, Sir, I say that the Hon'ble Mr. Suhrawardy should not consider himself as a usufructuary mortgagee of all good things to be done for the people. He should not live in a fool's paradise. If the price of jute remains as low as it is now for a few months, then I say there will be people who will, instead of giving him receptions and garlands, try to belabour our Labour Minister as soon as he will go to the mufassal.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, this is an incitement to violence! (Laughter.)

Mr. SPEAKER: Yes, it falls under the Defence of India Rules! (Laughter.)

Maulvi ABU HOSSAIN SARKAR: If there is any incitement, I think instead of dying of starvation it is better to belabour those Ministers who are not trying to raise the price of jute or doing anything for the country people.

The Hon'ble Mr. H. S. SUHRAWARDY: What about belabouring those members of the Legislative Assembly who are responsible for this fall? (Laughter.)

Maulvi ABU HOSSAIN SARKAR: I repeat, Sir, again to the Hon'ble Ministers that the country is already provoked, and so I would advise them not to provoke them any more, because as everybody knows hungry people are also angry people.

Mr. SPEAKER: Are you hungry also? (Laughter.)

Maulvi ABU HOSSAIN SARKAR: I am hungry because I am a peasant. As I was saying, Sir, jute is being sold at Rs. 2-8 a maund.

The Hon'ble Mr. H. S. SUHRAWARDY: Have you sold or bought jute?

Maulvi ABU HOSSAIN SARKAR: Now I want to say that this is a measure which will do a good deal of mischief to the country. The condition of the agriculturists who are going to be burdened by this taxation is already very bad. Though the tax will be imposed on sales, it will ultimately react on the agriculturists. If this tax is imposed, the agriculturists will not benefit out of it; on the contrary they will not be able to buy their bare necessaries. Therefore, I submit that this Bill should not be sent to a Select Committee. It should be circulated for eliciting opinion, so that the country may understand the mischief that is going to be done by the Hon'ble Minister in the name of doing good to the peple.

With these words I commend my motion to the House.

Mr. SURENDRA NATH BISWAS: I rise to support the motion moved by my esteemed friend Mr. Abu Hossain Sarker. The motion is a very simple one. It requests the House to vote for the circulation of this Bill for eliciting the opinion of the public who will be affected by the provisions of this Bill. It is admitted by the Hon'ble Minister in charge that this Bill proposes a tax which will be a burden on the general masses. Sir, the paying and buying power of the general masses is already low, and as my friend Mr. Abu Hossain Sarker has just pointed out, fall in the price of jute has seriously affected the buying power of the agriculturists of this province. If over and above that this additional burden of tax is imposed on them, I do not know where the Ministry will drive the country. I am afraid if things go on in this way, if this new burden is imposed on them, the Ministry will lead the country to revolution and the Ministry will be the first victim of that revolution. The time of reckoning is coming. I would like to remind the members of the Coalition Party to look to the time of reckoning when there will be stock-taking of what they have done here. They have passed some Bills, namely, Money-lenders Bill, Agricultural Debtors Bill and similar other laws, but how far those laws have been helpful to improve the distressful economic condition of the tenants? My friends should consider these things before they face their electorates during the next election.

Sir, what are the reasons for which the Hon'ble Minister wants to raise money by this taxation? He says that he has got many ameliorating schemes for which he wants money. But what are those schemes? What is the cut and dry programme? For the last 4 years we have been hearing of schemes. Many schemes have been prepared and many schemes have been thrown into the waste paper basket. But what are the schemes for which the Hon'ble Minister wants two crores of rupees by this taxation? He has not a single word to say. He has not given us any cut and dry scheme. If he had done so, we could have scrutinised the scheme, and seen whether the scheme would

be really beneficial to the people who would be taxed, and then we might provide funds for that purpose. My friend Mr. Abu Hossain Sarker has pointed out that many things have been done in the name of the nation-building departments. More than 1 crore of rupees has been allotted for such departments in excess of the budgeted amount of the previous bureaucratic Government for the last four years, but what has happened to the schemes adumbrated by the Hon'ble Ministers in every budget session? The honourable members of this House know that no good scheme which will do real good to the country has been given effect to. Neither agriculture has improved nor there has been development of industries nor the supply of rural credit has been provided for. There has also been no arrangement for the development of industries to add to the income of the already starving rural people. We know how this money will be spent. I do not like to repeat that the major portion of this money will go into the pockets of the new servants of the Crown who will be appointed as protegés of the present Government.

Now, Sir, I submit that if Government want 2 crores of rupees, I would say—why 2 crores of rupees? Two crores of rupees will not be sufficient for giving effect to the good schemes that have been proposed by among others the members of the Congress Party and the Krishak Praja Party. We proposed in the year 1937 that the Permanent Settlement be abolished and the interests of the landlords over the tillers of the soil, be acquired by Government by paying compensation so that Government might get an additional income of not less than 10 crores of rupees, and with that 10 crores of rupees primary education could have been made free and compulsory. With this additional 10 crores of rupees the resuscitation of the dead and dying rivers could have been effected and many other good things such as supply of rural credit and development of industries which might add to the income of the peasantry could have been provided for. But Government did not pay any heed to that proposal because it came from the Congress side. But when the members of the Coalition Party pressed for the abolition of the Permanent Settlement, Government appointed the Floud Commission which after three years of labour submitted a report which has not yet been given effect to. We still suggest that if Government really intend to do anything for the poor people of this province, let them come forward with a bold proposal to give effect to the recommendations of the Floud Commission so that they may get the additional income of 10 crores of rupees. Government may capitalise the major portion of this 10 crores of rupees and thereby work wonders for the development of this province. This new taxation will be very injurious not only to the poor people but also to trade and industry. The Hon'ble Minister does not explain why industry will not be affected. I may tell the members of this House that there will

be no hope of the development of industry in Bengal, if this Bill is passed into law. I suspect that the Hon'ble Minister is in collusion with the big mill-owners of Bombay and so he has brought this Bill to punish the mill-owners of Bengal, the men who will purchase cotton for the manufacture of cotton goods. On the purchase of that cotton Government will levy a tax. When a mill will sell goods they will have to pay tax—2 per cent. over cotton and 2 per cent. over cloth, that is, at least 4 per cent. Let me tell the honourable members of this House that in a cotton mill the net profit will not be more than Rs. 3-2. If this tax at the rate of 4 per cent. is levied, then cotton mills will not be able to stand and there will be no hope of further development of cotton mills. The Hon'ble Minister may say that there will be no tax on the sale of cotton because the cotton-seller is not a manufacturer——

The Hon'ble Mr. H. S. SUHRAWARDY: There will not be any tax on raw cotton.

Mr. SURENDRA NATH BISWAS: Where is the guarantee?

The Hon'ble Mr. H. S. SUHRAWARDY: Read the Bill.

Mr. SURENDRA NATH BISWAS: Will you kindly show me where is the provision by which cotton has been excluded from the operation of this tax? I do not find any such provision. There are 14 items of goods which have been excluded but cotton does not find a place in that catalogue. The point that I have been trying to elucidate is that the manufacturers will not pay the tax, but it is the cotton-sellers who will have to pay the tax on the sale. So there will be tax on the sale of cotton. Then the manufacturers will produce goods and when they will sell their goods, there will be another tax. I do not agree with the Hon'ble Minister that there will be no taxation on cotton goods.

Sir, may I ask the honourable members of the Coalition Party whether they have thoroughly examined this Bill and whether they have found out that the daily necessaries of life of the poor agriculturists will be taxed, except, of course, food. Cloth, hosiery goods, molasses, tobacco, sweetmeats, umbrella, shoes, corrugated iron-sheets, wood and other materials for the construction of houses, coal for domestic use and articles of this nature which are the daily necessaries of life of the poor agriculturists—all these things will be taxed.

Sir, I would not make my speech longer. I would urge the Hon'ble Minister and the members of the Coalition Party to agree to send the Bill to the public for their opinion. I would ask them to

hold meetings in every village and explain to the villagers the implications of this Bill and let them take their opinion. If they are of opinion that this tax should be levied, we the members of the Congress Party will support this Bill. We give this assurance that we are prepared to support this Bill if the villagers in meetings held in their villages pass resolutions to the effect that this Bill is welcome and that they are prepared to pay this tax. But, I am sure, my friends will not listen to my request. The Hon'ble Minister is laughing because he has a majority of votes at his back, but I warn him that the hand of nemesis is bound to fall on him after one year or so. Of course, the Hon'ble Minister in charge of the Bill may retain his seat by dint of force, as my friend, Dr. Sanyal, suggested a few minutes back. The Hon'ble Mr. Fazlul Huq may also retain his seat, but I am afraid many other members of the Cabinet will not be able to retain their seats. I am also afraid that the heads of many members of the Coalition Party who are now blindly supporting the Ministry will be put on the charger. Sir, with these words, I warn them not to allow the Ministry to easily proceed with this Bill, at least in this case when the pocket of every agriculturist and the pocket of every individual of the province is being touched by this Bill. If there was ever any Bill which had the justification of being sent to the public for their opinion, I would say that this is such a Bill.

So, I again request the Hon'ble Minister, the Coalition Party members and other members of the House to support this motion and to send the Bill to the public for their opinion.

(The House was then adjourned for fifteen minutes.)

(After adjournment.)

Mr. DHIRENDRA NATH DATTA: Sir, I rise to support the motion that has been so ably moved by Mr. Abu Hossain Sarker. What could be said on this question has already been given expression to by my predecessors, but I must say something on this occasion which demands that protests should be registered against the imposition of such a tax as this. Mr. Abu Hossain Sarker has said that this is not the opportune moment to bring in this taxation proposal, first because we do not know the condition of the provincial finance, secondly we do not know how the amount which is going to be realised will be spent.

To make my position clear, Sir, I must say that the Ministry has obtained a certain amount of popularity in the province, not by their work but by intensive propaganda based on communalism. Unfortunately for this country, the communal activities of the Ministers and their followers are doing the greatest disservice to the province as a

whole. Then, Sir, false statements are being freely made which by virtue of their repetition would be taken by the people to be true. The Ministers in the course of their tours have said that they will improve the condition of the agriculturists, they will improve the condition of the people at large. They have not been able to keep their promises made in the past. Agriculture has not been improved; industries have not been improved; rivers and water channels have not been resuscitated; but their failure to do these things has been attributed to shortness of funds. Sir, the Ministry must not conveniently forget that they started with a huge surplus of four crores of rupees——

The Hon'ble Mr. A. K. FAZLUL HUQ: How much?

Mr. DHIRENDRA NATH DATTA: In the first year of your Ministry you began with a surplus balance of four crores of rupees. What has the Ministry done with that huge surplus? They have done nothing. They spent money on schemes and measures which were not needed, and Mr. Abu Hossain Sarker has given a full catalogue of those measures——

The Hon'ble Mr. A. K. FAZLUL HUQ: This time we will consult you before spending the money; come and give us advice

Mr. DHIRENDRA NATH DATTA: Sir, we have no confidence in the Ministry and we cannot trust the words of the Ministers, unless we are assured of the fact that the money to be realised will be spent for the good of the rural people. And therefore we cannot support this measure.

Then, Sir, is there any scheme of Government for the improvement of the nation-building departments? No. During the period of four years, the Ministry has not prepared any scheme; they have spent money haphazardly without preparing any scheme and on the last year, *i.e.*, the last year of their régime they say that they are preparing schemes and they require money for that purpose. It is not that they require money for the nation-building departments. They say that they are preparing schemes for the nation-building departments and they want the schemes to be put into operation. Their propaganda will be carried to the villages, namely, that they are doing their best for the amelioration of the condition of the masses. As a matter of fact, Sir, there is not the slightest justification why we should assent to a Bill like this.

During the four years of their régime, has agriculture been improved to any extent whatsoever? No, agriculture has not been improved, industry has not been improved, primary education has not been improved and still an education cess has been imposed upon the people without a corresponding benefit to the people.

Then, Sir, malaria is creating havoc as it used to do before, and there is no improvement in the condition of the malaria-stricken people, and there has been no improvement to any extent in this direction. Then there is no scheme for the resuscitation of the dying rivers, no scheme for the improvement of embankments. For a long time we have been crying hoarse for bettering the conditions of the embankments, but up till now nothing has been done in this direction. In the Midnapore district on account of non-improvement of embankments there has been a flood this year. In the district of Tippera, for the last four years we have been trying for the improvement of the embankments of the river Gumti, but nothing has been done. This year the condition of the country people is much worse than it was previously. In no respect has there been any improvement. The only improvement is that the whole atmosphere of the countryside has been vitiated with communalism. Wherever you go—be it the Hindu community or be it the Muslim community—they have all become communally-minded. If we cite instances and give a catalogue of the misdeeds of this Ministry, they are sure to be condemned. On account of the communalism which has been spread throughout the province by false propaganda a large amount of money has been spent by the Ministry, but no real work has been undertaken. This is the work which the Ministry has done during these four years for the populace of Bengal. In the speech delivered by the Hon'ble Minister, he has not mentioned any scheme, because they have not prepared any so far.

So, Sir, I submit that we cannot allow any taxes to be imposed upon the populace of the country. It is admitted, very frankly admitted, that this is a tax upon the poor people. Taxes have been imposed on the people by the Central Government as a result of which the postal rates and income-tax will increase. When the Finance Tax was imposed in Bengal it was said that the money was necessary for the nation-building departments, but nothing has been done up till now. The Central Government have imposed the Finance Tax upon the people of India without the consent of the people. It was characterised as a war measure. But here in Bengal it is not a war measure. People are being taxed but they are not getting any benefit out of that taxation.

In the Act some goods have been exempted from taxation, but there are other commodities of daily necessity, viz., clothes, spices, vegetables, fish, milk and meat, etc., which will not be exempted. It is said that the necessaries of life should be exempted from taxation. Some have been exempted but others have not been exempted. Consequently, the tax will fall upon the poor people. The Hon'ble Minister does not know the miserable economic condition of the poor people of Bengal. An administrator is he who knows the minds of the people. The Hon'ble the Minister in charge of the Bill really

*does not know the minds of the people. If he had known the real condition of the people, if he had known the minds of the masses, he would not have ventured to bring forward a Bill like this. If there was any necessity for money, the zemindari system should have been done away with, and by doing that, a huge sum of money could have been taken to the coffers of the Bengal Government. We demand that the zamindari system should be done away with without paying any compensation to the zamindars. If the zamindari system were abolished, few people would have been affected thereby, but by the imposition of this tax, a very large number of people, poor people, will be affected. Floud Commission has submitted its report and the Government of Bengal have appointed an officer to enquire into the report of the Commission. A large amount of money has been spent on this account. I do not know what will be the report of the person who has been appointed to report on the Floud Commission. Our demand is that the zemindari system should be abolished and the amount of money that will thereby go to the coffers of the Government should be spent on the nation-building activities of the province.

This is not a measure which can be introduced during the war. If the zemindari system cannot be abolished during the war, this is not a measure which can be introduced now. The present Government are claiming themselves to be *praja hitashis*. I am sure the Hon'ble Minister does not know Bengal. I can tell the Ministers that they are not friends of the tenants, rather they are foes of the tenants. What are they actually doing with the public money? They are touring throughout the province for the purpose of their own propaganda without doing any real good to the people. They have got money at their disposal, and they are spending it for their personal benefit. We claim that it is we who really represent the people, we have been elected by the people of Bengal. If the Government look to the persons who have come here with the real votes of the people, they will see that those persons are not the supporters of this Bill. I would ask the Hon'ble Minister to translate the Bill and the statement he has made into Bengali and circulate throughout the province through the union boards, let the opinion of the union boards be taken, and I am sure the union boards will vote against this Bill.

With these few words, Sir, I support the motion that has been moved by my esteemed friend Mr. Abu Hossain Sarkar.

Mr. R. M. SASSOON: Mr. Speaker, Sir, only recently we heard of the increase of 25 per cent. surcharge on our Income-tax and Super-tax, also increases in postal and telegraphic rates and the poor tax-payer of this province has hardly recovered from the shock, when he is called upon to shoulder other burdens in the form of additional provincial taxation. The question we now have to consider is whether new taxation is at all justifiable.

Now, Sir, India is at war however much my Congress friends may object, and the provinces must rely upon the Central Government for the defence of India. The least, therefore, that might be expected of them is that they should not embarrass the Central Government in their task of financing the war effort.

The Finance Member in Delhi in introducing the Finance Bill recently informed us that—

(1) we are already committed to recurring expenditure of Rs. 16 crores on account of expansion of Defence Forces;

(2) that we are already similarly committed to a capital expenditure of over Rs. 30 crores which will presumably be spread over several years; and

(3) that when more plant and materials are available considerable further expenditure may be expected.

There can be little doubt, therefore, that there will be further increases in taxation in the spring. So, the present imposition from the Centre is only a start and the tax-payer who is at the mercy of the Central Government, is certain to be called upon to bear much heavier burdens in the near future. Is it fair to expect him additionally to meet local taxation which may not be absolutely necessary! There is a limit to his capacity and his resources to-day may be compared with sand running down in an hour-glass.

This, Sir, is the background in which we have to view the proposal for a Sales Tax by the Bengal Government. The tax-payer knows that he will have to pay and pay very dearly for the expansion of India's Defence Forces. His first reaction to provincial taxation must therefore be, will this help in the prosecution of the war and, if not, is it absolutely necessary? May I remind the Finance Minister that "God made time but man made haste". Therefore, can this new taxation be postponed? Moreover, where is the end of this new taxation? We have a Bill for taxing petrol and now we have this Sales Tax. Will the Hon'ble Minister state in the light of what he has said what further taxation he has in view?

In the Statement of Objects and Reasons to this Bill no specific particulars are given us, and all we are told vaguely is that the additional revenue from this tax is required for the purpose of financing further beneficent schemes for the economic improvement of Bengal! Now, Sir, what does this mean? This is surely not a time to embark upon new nation-buillding schemes however desirable, or even to expand existing nation-building activities. This is a time in which Provincial Governments as well as individuals must cut down their budgets and eliminate all expenditure which is not absolutely necessary. We are continually and daily reminded of this. Surely then we must be

consistent and persistent that for the time being we should set aside schemes for nation-building which although we all earnestly desire, should be made secondary to enable us to concentrate all our resources upon the successful prosecution of the war, on the successful outcome of which depends the future existence not only of Bengal but of India herself.

If the Government can supply us with facts and figures which clearly establish a budget deficit which must be balanced or if they can show us expenditure on schemes which is absolutely necessary, then, of course, we must agree to additional taxation. The Government have not, however, done this and what are the facts and figures which are in our possession? The Hon'ble Minister has referred to the deficit budgets of the last two years. If we examine the budget figures for the past three years for which figures are available, what do we find?

1937-38.—Budget Estimates showed a surplus of 33·98 lakhs. The actuals were in fact 1 crore 17 lakhs.

1938-39.—Budget Estimates anticipated a deficit of 11·54 lakhs, and the actuals showed the figures as all square.

1939-40.—Budget Estimates anticipated a loss of 86·80 lakhs and this was revised subsequently to 13·87 lakhs.

But it is probable in view of increased revenue from jute export that the actual figures will show a surplus Will the Hon'ble Minister state if this is so or not?

These figures show that on a normal budget there is no necessity for additional taxation. The revenue position has in fact been quite satisfactory. The Government have not supplied us with facts and figures for 1940-41. We are starting with an estimated deficit of Rs. 57 lakhs, but we also started with estimated deficits in 1938-39 and 1939-40 and they have not, we believe, been realised. Now, Sir, there has been certain additional unbudgeted expenditure, and my party would like to draw attention to the sum of about Rs. 30 lakhs which has been spent on a new service, i.e., purchase of jute without the Legislature being consulted. Quite possibly other unbudgeted sums may have been spent in other directions. This, Sir, is a departure from the canons of finance which my party consider extremely dangerous, and before we can come to a decision on the proposed taxation, we must have an assurance from the Hon'ble Minister (1) that there will be no further expenditure of this type without previous consultation of the Legislature, and (2) that neither the proceeds of this tax nor the general revenues will be used in the future for schemes for the purchase of jute. These schemes must be separately financed and must be self-supporting.

I have shown that up to this year the revenue position has been satisfactory and that on a normal budget there is no necessity for additional taxation. I would like, however, to draw attention to the position of the provincial balances which have been seriously depleted. In 1937-38 the province had 1 crore 36 lakhs as a closing balance and in addition 12 lakhs in the Famine Insurance Fund, 38·33 lakhs worth of Securities and 85 lakhs invested in Treasury Bills. At the end of 1940-41, according to the budget estimates, the closing balance will be 72 lakhs and outside of that there is only the 12 lakhs in the Famine Insurance Fund and the 38 lakhs worth of Securities. The 85 lakhs invested in Treasury Bills have disappeared. It is obvious that this depletion has not been due to revenue deficits and that it has been due to operations outside of revenue account, in fact, mainly due to loans and advances to agriculturists. I may note here that at the end of 1938-39, there was about 61 lakhs outstanding on account of these loans. May we know how much of the outstandings were collected and also the position for 1939-40? These loans may be necessary, but it is essential in the opinion of my party that the slender provincial balances should not be depleted by them. They should be financed out of capital, not out of revenue balances, and I call upon the Hon'ble Minister to give us an assurance that in future he will not draw upon the revenue balances on account of these loans, but will finance them out of capital raised for that purpose which, after all, is the only sound method of financing such operations.

Sir, I have drawn attention to the necessity of retrenchment. This is the time in which we must keep a watchful eye on all expenditure and cut it down as far as possible, and I welcome the Hon'ble Minister's assurance on this point. This province was singularly lucky in that the present Government started with a clean slate.

My experience of the Public Accounts Committee has shown me that there have been recently numerous cases of wasteful expenditure. Government have a Standing Finance Committee of which, I believe, I have the honour of being a member, but this Committee has never been called upon to function. I would like to hear from the Hon'ble Minister the reason for this and we should like to have his assurance that in future the Standing Committee will function and that all expenditure on nation-building schemes will be approved by this Committee before they are put into operation.

My party do not propose to oppose the reference of this Bill to a Select Committee, but we consider that the necessity for this tax has not been established, and we reserve the right to oppose this Bill in its later stages, if we do not receive from the Hon'ble Minister the assurances for which I have asked.

As to the tax itself, the details will require very careful consideration and there are many points which our party wish to see altered in

Select Committee. One point I must mention—Government took the opinion of commercial bodies on a 1 per cent. tax estimated to yield Rs. 1 crore. Having done so, they without any explanation propose a tax at 2 per cent. with power to them to increase the rate to 3 per cent. We hope the Hon'ble Minister will give us some explanation. So, we consider that the rate of the tax should be not more than 1 per cent. and we do not think that Government should have any power to change the rate at will.

Finally I would repeat the points about which we require an assurance. They are—

(1) that there will be no further unauthorised expenditure on new services without consultation of the Legislature;

(2) that neither the proceeds of additional taxation nor the general revenues will be used for schemes for the financing or purchase of jute;

(3) that loans and advances to cultivators and Co-operative Banks will be financed out of capital raised for that purpose; and lastly

(4) that the Standing Finance Committee will function and that all expenditure on nation-building schemes will be first approved by this Committee.

Srijut NARENDRA NATH DASS GUPTA : এই বিল যাতে প্রচারিত হয় সেই প্রস্তাব সমর্থন করে আমি দুচারটী কথা বোল্‌ছি। প্রথমতঃ এই বিল্ সম্বন্ধে Hon'ble Mr. Suhrawardy যে বক্তৃতা দিয়েছেন উহাই বিলের যথেষ্ট সমালোচনা। তাঁর বক্তৃতাসহ বিলটী যদি ভাল কোরে জনসাধারণকে বুঝিয়ে দেওয়া হয় তাহোলে জনসাধারণের মধ্যে যে বিক্ষোভ উপস্থিত হবে তাইতে তিনি বুঝ্‌তে পার্ব্বেন জনসাধারণ কি ভাবে তাঁর বিল গ্রহণ কর্চ্ছে। তিনি বিবেকের দংশন জ্বালায় অধীর হোয়ে যেখান থেকে আক্রমণ আস্‌বে তা অনুমান কোরে নিয়েছেন। তিনি জানেন যে দেশের প্রজা দেশের কৃষক প্রত্যেকের দিক থেকে এই বিলের বিরুদ্ধে তীব্র আন্দোলন জেগে উঠবে। সেই আন্দোলনকে ঠাণ্ডা রাখবার জন্য যে ব্যবস্থার প্রয়োজন অবশ্য সেটা মন্ত্রী মহাশয় অবগত আছেন। তিনি আমাদের "কৃষকবন্ধু" ও "প্রজাদরদী" বোলে গালাগালি কোর্ত্তে পার্চ্ছেন তার কারণ, তিনি মীনা পেশোয়ারীর বন্ধু এবং তিনি গুণ্ডাদরদী। যে পক্ষই ভোটে জয়লাভ করুক না কেন, সে "প্রজাদরদী" পক্ষই হউক বা "প্রজাঘাতক" পক্ষই হউক, সে প্রশ্ন এখন চেপে রেখে আমি বিলটীর সম্বন্ধে আলোচনায় অগ্রসর হব। ইউরোপীয়ান্ মেম্বার মহাশয় পরিষ্কারভাবে বুঝিয়ে দিয়েছেন যে বর্ত্তমান বিল আমদানী করার বিশেষ প্রয়োজন ছিল না। কারণ গভর্ণমেণ্টের বাজেট গত চার বৎসর যাবৎ যে ভাবে কার্য্যকরী হোয়েছে তাতে নূতন কোন টাকার প্রয়োজন হোতে পারে না। এবং একথাও সত্য যে এই বিল পাশ হোতে না হোতে বর্ত্তমান এসেম্বলীর পরমায়ু শেষ হোয়ে যাবে। মন্ত্রী মহাশয় এই বিল্ পাশ করিয়ে নেবার তত সংকল্প ব্যক্ত কোরেছেন। (অবশ্য তাঁর মনে যে কোন

শুভ সংকল্প আছে তা আমি বিশ্বাস করি না।) এই যে বিলটী উপস্থাপিত করা হোয়েছে এর প্রয়োজনীয়তা কোন দিক দিয়েই তিনি প্রতিপন্ন কোর্ত্তে পারেন নি; বিশেষতঃ তাঁর পরমায়ুও শেষ হোয়ে যাবে এই বিল পাশ হয়ে কার্য্যকরী হওয়ার পূর্ব্বেই।

The Hon'ble Mr. H. S. SUHRAWARDY : না হবে না।

Srijut NARENDRA NATH DASS GUPTA : আমাদের ইউরোপিয়ান বন্ধুটী বোলেছেন এখন কোন নূতন tax বসান উচিত নয়। কারণ যুদ্ধের জন্যই সকলের টাকা দেওয়া উচিত। অবশ্য একথায় মন্ত্রী মহাশয় সায় দিবেন কিনা জানি না, কিন্তু সায় না দিয়েও উপায় নেই, ইংরেজ যখন তাঁর প্রভু। সুতরাং মন্ত্রী মহাশয় সেই হুকুমের বিরোধিতা কোর্ব্বেন একথা আমি বিশ্বাস করি না। আর এক দিক দিয়ে কথা হোচ্ছে বর্ত্তমান যুদ্ধে প্রাদেশিক মন্ত্রী সভার কোন দায়িত্ব নেই। কাজেই এই war সম্বন্ধে কি হবে না হবে সে তাঁদের চিন্তার বাইরে। তাঁরা মাত্র পারেন গ্রামে গ্রামে গিয়ে বলতে "চান্দা দাও।" তাঁরা অনেক জোর জুলুম করেন, নোটিশ জারি করেন এমন কি আমার নিকট সংবাদ পৌঁছিয়েছে যে আমার নির্ব্বাচনক্ষেত্র মাটিভাঙ্গার নমশুদ্র কৃষকদের কান ধরে মারধোর করিয়ে টাকা আদায় করা হয়েছে। আজ সমস্ত বাংলার উপর war এর জুলুম চলেছে। প্রজা জমিদার সকলেই হাড়ে হাড়ে যুদ্ধের প্রভাব অনুভব কর্চ্চে। কাজেই war tax বসান হউক বা না হউক taxএর বহুগুণ আদায় হোচ্ছে।

এখন আমাদের বিবেচনার বিষয় হচ্ছে এই প্রস্তাবিত tax জাতির মঙ্গলের জন্য কিনা। মঙ্গলের নামে জাতি আরও বেশী বিপন্ন হবে কিনা। সব চেয়ে বড় কথা হোচ্ছে জাতি এই tax দিতে পারে কি না। এই তিন দিক দিয়ে বিষয়টির বিচার কোর্ত্তে হবে। Nation-building Department সম্বন্ধে কোন কথা শুনলে আমরা আনন্দে উৎফুল্ল হোয়ে উঠি। কিন্তু বাংলাদেশে Nation-building Department বোলে কিছু নেই এখানে আছে Communal-building Department. (A MEMBER FROM THE COALITION PARTY : এখানে আছে হিন্দু-মহাসভা।) এখানে আছে সাম্প্রদায়িকতার ছড়াছড়ি, নিজেদের প্রতিষ্ঠিত করবার জন্য। আমাদের Finance Minister বোলেছেন এই tax collect কোর্ত্তে সাত লক্ষ টাকা খরচ হবে আর আদায় হবে ২ কোটি টাকা। তিনি আশ্বাস দিয়াছেন যদি এই দুই কোটি টাকা খরচ করবার জন্য ভাল scheme না হয় তা হোলে অমনি অমনি টাকাটা ব্যয় করা হবে না। সিন্ধুকে তালা চাবি বন্ধ করে রাখা হবে। মন্ত্রী মহাশয় বোলছেন আগে টাকাটা দিয়ে দাও। Scheme যদি তৈরী হয় তবে টাকাটা ব্যয় করা হবে নচেৎ সিন্দুকে তুলে রাখা হবে। প্রজার নিকট হইতে এই ভাবে tax আদায় করার ব্যবস্থা জগতে অভূতপূর্ব্ব, উদ্ভট, আদি এবং অকৃত্রিম। এখন কথা হচ্ছে tax আদায়ে যে ৭ লক্ষ টাকা ব্যয়িত হবে, সেটা কি তবে ভূতের বাপের শ্রাদ্ধে যাবে? সেই রকমই বটে। এই টাকাটা তাঁদের নিজেদের পোষ্য প্রতিপালনে ব্যয়িত হবে। যাঁরা বর্ত্তমানে বাংলাদেশে সাম্প্রদায়িকতার বিষ ছড়িয়ে লোককে উত্যক্ত কোরছেন, যাঁরা নাটোরের ম্যাজিষ্ট্রেটের custody হোতে Abdur Rashid তর্কবাগীশকে ছাড়িয়ে নিয়ে jute propagandaর কাজ কোর্ত্তে Shirajgongএ পাঠিয়েছেন, আমি জানি এই ৭ লক্ষ

টাকা দিয়ে তাঁদের জন্য Abdur Rashidএর ন্যায় অনেক propagandist তৈরী হবে। এখন আসল দুই কোটি টাকার কথা বোল্‌ছি। মন্ত্রী মহাশয় বোল্‌ছেন এই টাকাটা ব্যয় করবার দরকার না হোলে সিন্ধুকে যাবে। মন্ত্রী মহাশয় হাস্‌ছেন। তাঁর হাসি দেখে কবির কথা মনে হয়—

"হাস হাস হাস শিশু নহে দিন দূর
Election সাগর পারে বসিয়ে যখন
বিষাদ তরঙ্গমালা গণিতে গণিতে কালা
হইবে প্রসন্ন মুখ, জানিবে তখন
সাধের মন্ত্রীত্বগিরি সুখের কেমন?"

এই বিলের ধারাগুলি পোড়লে শিশুবুদ্ধির পরিচয় ভালভাবেই পাওয়া যায়। এই বিলের ধারাগুলি থেকে দেখা যায় কিরূপ অপরিপক্কভাবে এই বিল আনা হোয়েছে। এক বৎসর ২০ হাজার টাকার বেশী যার কারবার হবে তাকে নাম রেজিষ্টারি কোরে tax দিতে হবে। পরের বৎসর তার ২০ হাজার টাকা বিক্রী হউক বা না হউক তাকে tax দিতেই হবে। যদি কোন বছর সৌভাগ্যক্রমে কোন গরীব দোকানদার ২০ হাজার টাকার বেশী মাল বিক্রী করে তাহোলে তার taxএর ধাক্কা চল্‌বে ৩ বৎসর। তারপর taxএর পরিমাণ 2 per cent. করা হোয়েছে। এই 2 per cent. সরকার ইচ্ছে কর্লে 3 per cent.তে পরিণত হোতে পার্বে। তারপর যে সমস্ত dealer রেজিষ্টারি করেনি তারা registered dealerএর নিকট মাল কেনবার সময় এই tax তাদের উপর চাপান হবে। যদি মাল বিক্রী করার পর প্রমাণ হয় যে ২০ হাজার টাকার অধিক মাল বিক্রীত হোয়েছে তখন তাকে আবার tax দিতে হবে। কাজেই যে tax সে একবার দিয়ে এসেছে সেই tax তাকে আবার দিতে হবে। 2 per cent. tax 4 per cent.এ পরিণত হবে।

The Hon'ble Mr. H. S. SUHRAWARDY : না তা দিতে হবে না। তাকে একবার মাত্র tax দিতে হবে।

Srijut NARENDRA NATH DAS GUPTA : তারপর আর একটা মজার কথা। Honest merchantদের বিশেষ গোলমালে পড়তে হবে। কোন ব্যবসায়ী যদি হিসাবে কষে দেখ্‌লে এক বৎসরে তার ২০ হাজার টাকার উপর মাল বিক্রী হয়ে পড়েছে, তখনই তাকে Registerএর আফিসে দরখাস্ত কোর্ত্তে হবে, টাকা জমা দিতে হবে। এবং ৬ ধারা অনুসারে licence পেলে পর কারবার কোর্ত্তে পার্বে। ততদিন তার কারবার গুটিয়ে রাখতে হবে। বিলের ধারার মধ্যে সেই কথাটা আছে। (A MEMBER FROM THE COALITION PARTY : বক্তৃতা বেশ ভালো হোচ্ছে।) এই যে আইন হোচ্ছে এতে বহু রকমের অসামঞ্জস্য আছে এবং ইহা অপরিপক্কতা দোষ দুষ্ট। তারপর এই আইনের প্রধান যে উদ্দেশ্য তা কিপ্রকারে ব্যর্থ ও ব্যাহত হোতে পারে সে কথা তিনি নিজেই বোলেছেন। আর একটা কথা তিনি বোলেছেন এই taxএর আওতা

থেকে অনেক জিনিষ বাদ দেওয়া হোয়েছে যেমন চিনি, গুড়, ইত্যাদি। কিন্তু বিলের মধ্যে গুড়ের কথা উল্লেখ নেই। আর একটা জিনিষ tax থেকে বাদ পড়েছে সেটা হোচ্ছে সরিষার তৈল। তার কারণ বোধ হয় সরিষার তৈল ব্যতীত জীবনের কোন উন্নতি করা যায় না এবং মন্ত্রী মহাশয়গণ আপামর জনসাধারণের কাছ থেকে এই তৈল মর্দ্দন অপরিসীমভাবে আকাঙ্খা করেন। কিন্তু মেয়েরা চুলে যে নারিকেল তৈল মর্দ্দন করেন তার উপর tax কোরেছেন কোন্ সাহসে? এর জন্য গৃহে সম্মার্জ্জনী লাভ করার ভয় কি নেই? তারপর কাপড় সম্বন্ধে কোন কথা উল্লেখ নেই। ভাতের পরই কাপড় যে সভ্য মানুষের অবশ্য প্রয়োজনীয় বস্তু। সর্ব্বোপরি মজার কথা যে tax উঠিয়ে দেওয়া হোয়েছে সেই তামাকের উপর tax আবার ধরা হোয়েছে। যে তামাকের tax নিয়ে এত গোলমাল আন্দোলন হয়ে উহাকে তুলে দেওয়া হয়েছিল সেই তামাকের tax আবার চুকিয়ে দেওয়া হচ্ছে। আগে licenceএর জন্য কয়েকটি টাকা দিতে হ'ত এখন দিতে হবে বিক্রয়ের উপর 2 to 6 per cent. tax বহুগুণ বেশী? এই রকম আইনের দ্বারা যাদের দরদী বোলে তারা নিজেদের জাহির করেন তাদেরই ফাঁকি দেবার বন্দোবস্ত এই তামাকের মধ্য দিয়ে ধরা পোড়েছে। আর একটা tax কোবলেই তো অনেক টাকা আসতো—সেটা হোচ্ছে পাটের ফাটকাব বাজারে লাভের উপর। সে দিক দিয়ে গভর্ণমেণ্টের অনেক টাকা আমদানী হোত। কিন্তু কি কারণে তাঁরা সেই দিকে যেতে চান না তা সকলেরই নিকট সুবিদিত। প্রত্যেক দেশের গভর্ণমেণ্টের কর্ত্তব্য এরূপভাবে কার্য্য করা যাতে প্রজাগণ ধনসম্পদে সমৃদ্ধিশালী হয়। আজ যদি দেশের মঙ্গলের জন্য ২ কোটি কেন ২০ কোটি টাকারও প্রয়োজন হয়, যদি বুঝি জাতির ২০ কোটি টাকার tax দেওয়ার যোগ্যতা আছে এবং মন্ত্রীগণের সততা ও কর্ম্মদক্ষতা সম্বন্ধে নিঃসন্দিগ্ধ হ'তে পারি তাহোলে নিশ্চয়ই এ taxation আমরা support কোর্ব্ব। কিন্তু বর্ত্তমানে কৃষক ও মধ্যবিত্ত শ্রেণীর মধ্যে যে ভাবে দারিদ্র্য বেড়ে চলেছে এবং বর্ত্তমান গভর্ণমেণ্ট লোকের অর্থাগমের কোনই সুরাহা কর্ত্তে পাচ্ছে না বা কর্চ্ছে না তাতে এই দরিদ্রদের উপর সামান্য করভারও বোঝার উপর শাকের আঁটির মত তাদের একেবারে নিষ্পেষিত করে ফেলবে। এবং এর ফলে সমগ্র কৃষককুল ও মধ্যবিত্ত শ্রেণী ভীষণভাবে বিপন্ন হয়ে পড়বে। যদি কৃষককুল ও মধ্যবিত্ত শ্রেণী অর্থাভাবে প্রয়োজন সঙ্কোচ কর্ত্তে বাধ্য হয় তবে সঙ্গে সঙ্গে দেশের ব্যবসা বাণিজ্যও বন্ধ হোয়ে যাবার আশঙ্কা আছে। যদি মন্ত্রী মহাশয়ের জাতির মঙ্গল করবার ইচ্ছা থাকে, তাহোলে তিনি ব্যক্তিগত সুবিধার মোহ ত্যাগ করে এই প্রকার বিল অবিলম্বে প্রত্যাহার করুণ অন্যথা এসম্বন্ধে জনসাধারণের মতামত প্রকাশের জন্য সমুচিত ব্যবস্থা অবলম্বন করুণ।

Mr. AHMED HOSAIN: Sir, I rise to oppose the motion for circulation and to accord my support, though not unstinted, to the Bill. The reason why I am not able to accord my unqualified support is that the proposed tax is likely to filter down to quarters where it may prove the last straw on the camel's back. However slight the incidence, it certainly is not desirable that the poorer sections of our people should be taxed. But, Sir, there is one redeeming feature, and

that is that goods which will pass through unregistered shops will not be taxed and thereby the people who will buy in these shops will escape taxation. Another redeeming feature is that those people who have got a very low standard of living will bear very little of this taxation whereas those people who have got a higher standard of living, namely, the middle and higher classes will pay much of this tax. So in view of these features I support the Bill.

Sir, I welcome taxation, I welcome taxation unlike most of the members of this House who would feign hope to see Radha dance but will refuse to burn the requisite amount of oil. I am not a man of that type. I welcome taxation when it is thorough and not half-hearted, when it is likely to add substantially to the public exchequer, when it touches only the pockets of those who are able to pay and when it is scrupulously and economically applied to nation-building activities. In a representative and responsible Government exchequer money is public money. Certainly it should be the endeavour of the public to enrich the exchequer and by all means to supplement a depleted one without touching those who cannot bear. We had it from the Finance Minister at the time of the budget that unlike smaller deficits of the previous years we will be faced with a big one this year and Government will have to take steps to make good the depleted finances. At that time, we heard cries of opposition, and, strangely enough, the loudest cries came from the representatives of the richer and abler sections of the people. We have got to shake off this frame of mind and be ready to make all sacrifices for the uplift of the poorer classes and the country as a whole by paying ungrudgingly to the public exchequer. This House is the custodian of the pockets of the people, no doubt, but it is also the custodian of the public and the destinies and welfare of the people as a whole.

Sir, I expected the Finance Minister to bring before this House a Bill taxing the unearned income which a section of the people of this country derive and enjoy by sheer luck and chance. Sir, the Floud Commission Report recommending the abolition of permanent settlement and abolition of intermediary rights in land may, if given effect to, add crores to the exchequer. This step may involve time, but, Sir, that Commission also recommended that the Government can at once proceed to tax the agricultural income and the unearned income of the province. I would like to see the Government at the earliest possible opportunity coming before this House with a Bill giving effect to those recommendations.

Lastly, Sir, I would like to see the Government resort to all sorts of retrenchment—all possible curtailment—of expenditure in every department under it. Sir, the Government would perhaps say that they have effected some retrenchment. But that is not enough and that is not all. There is much scope for retrenchment. In a poor country like Bengal, officers cannot and should not have as their

salaries and emoluments thousands of rupees per month each. They are public servants but their masters, the public, cannot get two square meals a day and they have to put on tattered cloth. So, Government should have all sorts of retrenchment in all directions. Sir, with these few words, I support the motion for Select Committee where the angularities of the Bill can sufficiently be rounded off, and I oppose the motion for circulation.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, as usual in a bad case, the Hon'ble Finance Minister prefaces his argument by a very cheap villification flung at our face. Sir, he hurled on us jokes, but the only reply to that joke is that probably in the very near future that joke will prove to be too costly.

Sir, I have tried to find out, from the brief Statement of Objects and Reasons, supplemented by the bigger printed statement which has been circulated to us, as to whether the Hon'ble Finance Minister has been able to make out any case for a fresh taxation at the present condition of our province.

Sir, in the first place, he has made out an argument of deficit. Well, the argument of deficit is not the final word because, as we have pointed out from this side of the House at every Budget Session, the salaries at the top are capable of immediate retrenchment by all means, and if that is not possible, I would invite the Hon'ble Finance Minister and appeal to him that before he goes down to the last rung of the ladder by bringing in general taxation, he ought to have taken courage in both hands to impose taxation upon people who have got infinite resources at their disposal. I am extremely grateful to my friend, Mr. Ahmed Hosain, who has just preceded me, when he referred to the desirability of imposing agricultural income-tax. But I expected him also to follow up his own arguments, when dilating on the question of retrenchment, by goading this Government to impose taxation upon the fat-salaried people. After all, if money is necessary —and money is available—there are people who are not only rich by the sufferance of society, but there are also people who are getting rich by the sufferance of Government, and it is up to the Government to axe those salaries or to tax those salaries in order to have bountiful crop of finance in the hands of Government. Once that is done, it will be time for the Finance Minister to come and say: "Even after taxing these rich people, even after taxing these fat-salaried people, here are concrete schemes which are starved on account of want of funds." Then, it will be time for the House to consider, in view of the fact that the Government have tried a legitimate length in other directions and in view of the emergency of the schemes placed before the House, the proposal for new taxation seriously.

Sir, in the Statement of Objects and Reasons, which is an Appendix to the Bill which has been circulated, it has been said that there is a want of funds and that there is plenitude of schemes and in order to finance those schemes money is necessary. Sir, I do not know whether the House followed his other observations in the course of his speech this evening, but I heard him say that he would rather not spend these sums of money on concrete schemes and that he would rather have a large reserve fund and retain a portion of this tax in the coffers of Government.

The Hon'ble Mr. H. S. SUHRAWARDY: I did not say that. I said that I would rather not misspend than spend on schemes.

Mr. SASANKA SEKHAR SANYAL: Let him consult the reporters. He said that he would rather keep the money in the coffers of Government as a reserve than spend money on schemes. That is a very alarming feature because it has already been pointed out by members on this side of the House that throughout the golden resources of this province have been utilised not for constructive schemes but under the specious plea of constructive schemes for purposes of furtherance of personal and party patronage. It is an open secret not only in the province of Bengal; it is writ large in the face of this country that the present Government which started with the best auspices so far as finance is concerned have gradually frittered away these resources for petty personal and favourite schemes in their personal constituencies. So far as the members of the Coalition Party are concerned, they have not been so fortunate and the Ministers whom they are supporting have all got their personal and favourite schemes and they are always looking at their future. They are driving the Coalition Party, they are guiding the Coalition Party, to sanction all these schemes which ultimately have only one end in view, namely, the benefit of the Ministers themselves, and the Members of the Coalition Party have not been equally fortunate. Some of them probably get the sunshine more easily and more nearly, while others are remaining in the dark. But, Sir, it is time for my friends of the Coalition Party to realise the whole position and to realise the extreme responsibility which they shoulder to-day in supporting a pernicious Bill of this description. I know, Sir, that it is certainly necessary for the Ministers to have some resources because the new election is coming and the Ministers will have with added resources the advantage of using the money in their constituencies. But I would appeal to my friends of the Coalition Party who are supporting these Ministers to consider whether they will be able to answer their electorates when they are going to support a Bill of this description to-day. Sir, what is the condition of the peasants to-day? Are we taxing any vacuum or are we taxing the resources of concrete human beings? To-day in

the year 1940 more than half of Bengal has lost paddy because of the failure of rains. On account of want of rains in time there could not be a good crop and, Sir, the whole province of Bengal is groaning under the burden of uneconomic jute production. At a time when the province was expecting more relief from this Government, they are replying to the appeal for relief by hurling this Bill which will add penury to their poverty. The fundamental principle of all taxation is that the resources have to be taxed, but here a new implication of taxation is being introduced. The poverty which the Bengal Government was to have removed and which the Bengal Government have failed to remove, is being sought to be made more unbearable by this additional taxation.

Sir, facts and figures have been given by my friends on this side of the House, and a very strong case has been made out against this Bill. I would therefore appeal to the Hon'ble the Finance Minister not to rush through this Bill, but to stop and consider whether the province as a whole is to-day in a position to welcome this Bill and to pay further taxes in addition to what they are actually paying. There is also another danger in having a taxation proposal like this. Yesterday, this House discussed the Motor Spirit Taxation Bill. We could understand that tax because we knew that the comparatively wealthy section of the people would be taxed, and that the money which would be obtained by that taxation would be spent for a concrete purpose; but here a general taxation proposal is made. Money is sought not for nation-building departments, but by nation-bleeding processes; also we do not know why and how this money is to be spent. It may be a simple matter for the Ministry, but it is far too serious for the province as a whole. And my suspicion is that this reserve fund, this extra money which is being sought by the Ministry will not really be spent for actual nation-building purposes. My suspicion is that regard being had to the facts in the background that when the foreigners' war requires money in India, Bengal has not been very much responsive in the matter of voluntary contributions to the war funds, the Bengal Ministry will also pounce upon this extra fund in order to meet the war requirements of their white masters. And it is very easy to spend actually for war purposes on the specious plea of some nation-building department. Looking at the matter from all points of view, this Bill will go not as a Finance Bill but as the Bengal Furnace Bill, and if this tyrannical Bill is passed into law, it would far from doing good to the people place Bengal in a furnace of revolution.

Mr. I. D. JALAN: Sir, the Hon'ble the Finance Minister in introducing the Bill gave a long list of nation-building activities. Any one with a grain of common sense can produce a longer list of nation-building activities: for nation-building activities you can even spend Rs. 50 crores and you will not find an end of it. You can ask for any

amount for nation-building activities, and I shall provide you with a list as to how you will spend that amount. The whole question is as to whether the present is the proper time for introducing a taxation Bill of this nature which will have a very serious repercussion on the trade and commerce of this province. If the Hon'ble the Finance Minister has not been able to devise any other form of taxation in order to improve the economic condition of this province, I shall say that the department is suffering from bankruptcy of ideas and imagination, and the Hon'ble the Finance Minister does not deserve to hold the portfolio which he is holding to-day. The Hon'ble the Finance Minister ought to have realised the extraordinary times through which we are passing to-day. He ought to have realised the heavy burden of taxation with which the poor and the rich alike are being burdened to-day. The previous speakers have already alluded to the increase in the postal rates, the increase in the railway rates, the increase in income-tax, etc., which have already taken place. There will be other increases in the near future for war purposes. Whether we like it or not, whether we are a party to this war or not, these taxations are bound to come and the public has got to bear the brunt of it.

The Government ought to realise that on account of want of shipping facilities, on account of want of fresh markets, the prices of agricultural produce are very low at present, and there is no knowing how long this slump in prices is going to continue. This means that the purchasing capacity of the cultivators has become very low, and there is no knowing how long this purchasing capacity will continue to be low.

The Hon'ble Mr. H. S. SUHRAWARDY: Does the honourable member know the prices of paddy and wheat at the present time?

Mr. I. D. JALAN: Yes, I do. But what about the price of jute. The Hon'ble the Finance Minister ought to know that jute is the principal money crop of Bengal; that is more important than the price of paddy.

Now, Sir, the Hon'ble the Finance Minister ought to know that, so far as the merchants are concerned, they are overburdened with taxation, and it is impossible to go on in this way in this province. The Hon'ble the Finance Minister must have realised not only from the experience of others but from his own personal experience the depredations of the Income-tax Department. He ought to know from all sources as to how embarrassed the mercantile classes are feeling and now all on a sudden you are trying to burden them with this heavy taxation of 2 per cent. as sales tax, and for what purpose? I would have understood the necessity for this tax had it been for a great catastrophe which was going to overtake the province, but I cannot understand why

for the normal activities of the province such a taxation is resorted to. The Hon'ble the Finance Minister ought to realise that it will drive away trade from this province, and in support of my argument I am giving one concrete instance. You have exempted the small traders having a turnover of less than Rs. 20,000 from the operations of this Bill. A person who does not sell more than Rs. 20,000 worth of goods in a particular year cannot become a registered dealer under the provisions of this Act. If he goes to a wholesale merchant in this province, he will have to pay 2 per cent. as tax and that tax he will try to pass over to the consumer, but why should he go to a person in Bengal? Why should he not go to a person in Assam, Bihar or Orissa —the adjoining provinces—and purchase his goods there? He will not have to pay 2 per cent. tax there. He can then sell his goods in Bengal at 2 per cent. less. In this way the wholesale trade of Bengal is bound to be seriously affected because after all it is the smaller dealer who ultimately reaches the consumer and they can evade the Act by making purchases outside the province. In order to remedy this situation, every person who sells goods will have to be made liable for taxation. If that be so, you will find that the tax is impossible of being conveniently levied. What is the remedy? There is none, because it is a tax affecting one particular province. You cannot say that the goods which are being sold in this province cannot be found elsewhere in India. Take for instance piece-goods. In Bihar there are centres in which piece-goods from Ahmedabad and Bombay are sold practically at the same prices at which the goods are sold at Calcutta. Why should a person not go to Bihar to purchase his goods there? I am talking of unregistered dealers. Why should not the large consumers even take the trouble of going to the adjoining provinces to purchase goods at 2 per cent. less? Again, suppose both you and I are business-men. My turnover is, say, Rs. 21,000, and your turnover is, say, Rs. 19,000. I am a person who is liable to pay this tax, but you are not. Cou can cell goods in the market at 2 per cent. less, having purchased it outside the province, but I have got to pay the tax, so I sell goods at a 2 per cent. higher rate. How can business then go on? This, I think, is a very serious situation which should receive careful consideration of the Government. Government should consider how far this Act is going to affect the interests of trade and commerce in this province. Take another instance—the commission agents in Calcutta. Here is a wholesale dealer. In 80 per cent. of the cases, the deal takes place between the wholesale dealer and the commission agent. According to the definition of the dealer," a commission agent does not come within its scope. He cannot be a registered dealer. He does not sell goods. He simply supplies them. Suppose the wholesale dealer sells goods worth Rs. 10 lakhs to a commission agent. He will then have to pay Rs. 20,000 as sales tax, because it is a sale to an unregistered dealer. The commission agent may supply them to persons outside Bengal. He has got to charge this tax even from

such persons. Why persons from other provinces would purchase in Bengal? If the commission agent supplies them to persons in Bengal, he has to pass on the tax to such dealers and such dealers will have to pay tax even when they are registered. How are you going to settle the incidence of taxation in such cases? So far as this measure is concerned, it is full of difficulties and if you go deep into the matter, you will see that the object of the Bill is very difficult to achieve. I understand that an atempt was made in Bombay but that attempt failed. I am not quite sure of this, but I am only saying what I have heard from certain merchants working in that province.

You say further that once a business is taxed, it will be taxed for three years consecutively. Suppose a businessman is taxed for the year in which his annual turnover has been more than Rs. 20,000 and suppose the next year his turnover has been Rs. 10,000. I do not know on what basis of justice and equity can the Government say that he will have to pay the same tax as he paid in the previous year, while an unregistered dealer who is his neighbour having the same turnover will not have to pay the tax.

Again, by this tax you are going to saddle a merchant who sells commodities worth even Rs. 5,000 with the liability of keeping accounts —an overhead liability which it is difficult for him to bear. You will see that there are many small dealers selling goods worth Rs 5,000 or, say, Rs. 10,000, who have got not a single servant in their shops. We know of cloth merchants, who with an annual turnover of Rs. 25,000 have not engaged a single servant in their shops in order to keep the establishment charge low. Now, in order to keep the accounts of sales as required by this Bill, they will have to engage an accountant paying at least Rs. 20 a month.

The next point is this, that the dealers have at present to dance attendance upon the Income-tax officers day in and day out. They have to feel the depredations of that department. They will also have to dance attendance now on the Commissioner of Commercial Taxes and his subordinate officials from day to day.

Another thing is that if a man sells goods worth a little over Rs. 20,000, he will have to deposit Rs. 400 as soon as he files the return. There is no question of instalments. If, over and above that, Government raises the tax, as it is within its power to do so, to 3 per cent., in that case he will have to pay more. May I ask, does a cloth merchant selling goods worth Rs. 20,000 earn more than Rs. 1,000 as gross profits? Now, how is the tax to be charged? If the dealer charges it as a profit, he may be liable to income-tax. There is no specific provision in the Bill under which the dealer is entitled to charge it as a tax; he has to charge it as a profit. If that be the situation, then it would be more difficult from the point of view of income-tax.

Sir, these are some of the difficulties which are there, and the Government ought to realise that the present time is not at all opportune to levy a tax of this nature upon the consumers. There is no such tax in Assam, Bihar and Orissa which are on the border lines of Bengal. If this tax is imposed here, the result would be that the consumers will feel inclined to make their purchases from the adjoining provinces where they will get things cheaper. Even the retail dealers will suffer as a result of this taxation of 2 per cent. which is being levied. If this is the position, then how is the province to fare better from this tax? So far as this Bill is concerned, it is being introduced at a time when it was the least desirable. Moreover, the rate of taxation is very high and the provisions of the taxation are also very bad. If you want allowance for a bad debt, then the books of accounts will have to be audited by a qualified auditor. But even the Income-Tax Department does not say that you should get your books of accounts audited by a qualified auditor; you have got simply to show that you have made efforts to realise the debt. Sir, if you analyse every item of it you will find that it is full of difficulties I am speaking from my own personal knowledge because it is my community which knows the intricacies and difficulties of such taxation. I know that if Government insist, the Bill is sure to be passed. But I would request the Hon'ble Finance Minister to realise the difficulties of small traders. Sir, that is all that I have got to say.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I must admire the boldness of the Hon'ble Finance Minister in introducing this Taxation Bill at a time when Bengal is on the verge of starvation and at a time when famine is staring the province in the face.

Sir, I will not refer to the opening paragraph of the speech of the Hon'ble Finance Minister. I may characterise it as simply childish.

Sir, apart from the statement just delivered to us, I cannot resist the temptation of reading out several sentences from the Statement of Objects and Reasons of this Bill. "The present resources of the Government of Bengal are not sufficient to enable them to maintain the natural development of the programme of nation-building activities already in progress." "Nation-building activities"—this is a very elastic and vague term. May I ask the Hon'ble Finance Finister to pause and ponder over the present financial crisis of Bengal and to say, what it is due to? Sir, if there is any problem in Bengal which requires any solution at all, it is the burning problem of jute, and it requires solution by the Government. Sir, can the Hon'ble Finance deny that there is no market for the sale of jute? In my subdivision, I can say without any fear of contradiction, that jute is now selling at Rs. 2 a maund and the price may go down further in future.

Sir, the Hon'ble Finance Minister has just come to us holding out the hope that in the course of one year, he would ameliorate the condition of the poor. But what is the actual state of things to-day? After the partial failure of *aman* crop in the province, the agriculturists of Bengal are now living on one meal a day. I can say without any fear of contradiction that all the agriculturists of Bengal are living on one meal a day.

Sir, as regards popularity, as has been demonstrated by the Hon'ble Finance Minister, I can say without any fear of contradiction, that barring the Hon'ble Mr. A. K. Fazlul Huq, the Chief Minister of Bengal, if any other Minister goes to any district, any subdivision or any thana without the help of the District Magistrate, the Subdivisional Officer and the armed police, he will have to come back to Calcutta minus his head. (Laughter.) That will show the extent of popularity that they have attained?

Sir, if the Hon'ble Minister is going to impose this tax on the people, then the only course left to us is to start a no-tax campaign.

Sir, I will not go into the details of this Bill. I will not discuss a single clause or deal with the pros and cons of this Bill. I only throw a challenge to the Hon'ble Finance Minister to face another civil disobedience movement. One section of the people of this country has started civil disobedience for political reasons only, and the attempt that is being made by the Hon'ble Finance Minister will lead to another civil disobedience movement on economic grounds and economic grounds only. Apart from the question of future election, our incumbent duty will be to go to districts to start this civil disobedience movement.

Sir, I challenge the Hon'ble Finance Minister to go to Chittagong or to any other district of Bengal with me without the police and the Magistracy and I can show him his popularity! Our duty will be to start a no-tax campaign and we will have to do it. The Hon'ble Minister has spoken of nation-building departments. Somebody has said that the present Government have misspent the money. I can show instances where they have not only misspent the money, but also misappropriated criminally the public money. They have used public money for the purchase of jute from middlemen of Calcutta. Is that not criminal misappropriation of money?

The Hon'ble Mr. H. S. SUHRAWARDY: Why?

Mr. SYED JALALUDDIN HASHEMY: Because you have misused that money. You have got no authority to do so. You have done it for your own profit and in your financial interest. If the Hon'ble Finance Minister will turn over the pages of the Public

Accounts Committee Report, he will find that he has given loans to Maharajas and Nawabs to the tune of several lakhs. Has he not given a loan of more than Rs. 4 lakhs to a Nawab who is a member of the Cabinet who has failed to pay even the instalments? Has he not given a loan of some lakhs to a Maharaja of Mymensingh? Have the Government got any sanctions for these loans from this House? No, they have not. There are instances in which they have criminally misappropriated the money. They speak of nation-building departments at the fag end of the Assembly!

Sir, the people of Bengal, Hindus and Mussalmans, are generally law abiding and the trading community of Bengal is particularly law abiding. Now the sins of omission and commission on the part of the Council of Ministers will inspire evil in the hearts of these loyal businessmen of Bengal and incline them to start a no-tax campaign against the present Government.

Sir, this Ministry have no imagination. They have no initiative. Very recently we read in the columns of newspapers that they had gone to Delhi by misusing thousands of rupees of public money and the newspapers advertised that news in a manner so as to create the impression that they would get several crores of rupees from the Government of India for purchasing surplus jute. If they have any imagination, they would not go to Delhi at a time when the Government of India themselves are considering the question of raising money for the purpose of war Even in the province what are they doing? Very recently they have realised by sheer atrocity a sum of more than Rs. 50,000 for war purposes. At a time when the very existence of the British Empire is in danger, it is ridiculous to believe that the Government of India would give a loan of Rs. 6 crores to the Government of Bengal to enable them to purchase the surplus stock of jute. I understand that the Ministry are going to attend a Jute Conference at Delhi; but I think they are again going to misuse public money if they think they will be able to solve the jute problem by attending this Conference. We wanted an assurance from the Hon'ble the Finance Minister as to whether the money realised from this tax would be spent for the benefit of the jute-growing agriculturists of Bengal. He cannot give that assurance, nor has he given us any definite idea as to how that money would be spent. He has said that he has brought forward this taxation measure with a view to financing further beneficent schemes for the economic improvement of the province. I ask, are they seriously considering the question of economic improvement of the province? If they are serious by this time, a way ought to have been found out to solve the great jute problem of Bengal, and that would have solved all other questions of economic improvement of the province. But they have not done that. They have bungled, they have mismanaged, they have mishandled this jute problem, and only

for that reason I say the economic condition of the province has deteriorated and will further deteriorate as long as this Ministry fails to tackle the present jute problem. Sir, it is really funny to think even of taxation at a time when Bengal of all other provinces is the poorest province in India. Some of my friends have proposed the circulation of this Bill for eliciting public opinion thereon. Personally, Sir, I am not in favour even of this circulation motion, for if that proposal is accepted by Government that involves some amount of unnecessary expenditure. This Bill should be summarily opposed and voted against and killed at the stage of introduction. Of course, it is desirable to impose fresh taxation, provided the province is capable of bearing the burden of it, for primary education or for the rural medical scheme that is under the contemplation of Government or the agricultural programme of Government. In the current year's Budget we find 17 lakhs for agriculture out of which, as far as I know, more than seven lakhs has been misspent on the scheme for the voluntary restriction of jute cultivation. There has been a lot of expenditure on advertisement and in connection with the appointment of a number of unemployed youths only for political purposes. In that connection the Hon'ble the Finance Minister has said that the Floud Commission has recommended 27 lakhs for agriculture. This Government, when they get money, do not know how to spend it properly. Then again the Hon'ble the Finance Minister has said that a comprehensive rural medical scheme is being prepared and for that they will require Rs. 30 lakhs. The persons who will be appointed for the purpose will be their own men, and they will be employed for carrying out political propaganda on behalf of the Ministry and nothing else.

Therefore, Sir, I oppose, this Bill, and request the House not to support this motion for a reference to a Select Committee.

Srijut ASHUTOSH MULLICK: Mr. Speaker, Sir, Bengal Finance (Sales Tax) Bill যেন একখানা partnership deedএর মুসাবিদা এবং বাংলা গভর্ণমেণ্ট যেন বাংলার বাণিজ্যকেন্দ্রসমূহের senior partner. বাৎসরিক কুড়ি হাজার টাকার মাল বিক্রয় হইলেই সেই ব্যবসায়ীকে চারিশত মুদ্রা বাংলা গভর্ণমেণ্টকে সেলামী দিতে হইবে। প্রতিযোগিতার যুগে এত প্রকার ট্যাক্স দিয়া ব্যবসায়ের অস্তিত্ব রাখা সমস্যাজনক ব্যাপার।

অর্থসচিব মহাশয়ের অর্থসংগ্রহ পরিকল্পনা প্রসঙ্গে জাতিগঠনমূলক ও সঙ্গে সঙ্গে অর্থসমস্যাসমাধানমূলক পরিকল্পনা কষ্টকল্পনা মাত্র। শোষক ও শাসিতের সম্পর্ক—দেনাপাওনার সম্পর্ক। তাহা কেমন করিয়া জাতিগঠন করিবে বুঝিতে পারি না। এই অপদার্থ বিলটার আবির্ভাবের হেতু নির্দ্দেশ একেবারে অর্থহীন। উহার অর্থবোধ করিতে হইলে দৃষ্টান্ত প্রয়োগ করিয়া বুঝিতে হইবে। কোন কলেজের কলাবিভাগের কোন ছাত্রের "শীতের দিন ছোট এবং গ্রীষ্মের দিন বড় কেন?" প্রশ্নের উত্তরে বিজ্ঞান বিভাগের ছাত্র পদার্থ বিদ্যার "Cold contracts and heat expands" theoryর অবতারণা

করিয়া ভূয়সী প্রশংসা লাভ করিয়াছিল। সেইরূপ মন্ত্রীমহোদয় বর্ত্তমান Bill এর Objects and Reasonsএ অকাট্য যুক্তিপূর্ণ জাতিগঠনমূলক পরিকল্পনা উল্লেখ করিয়া হয়ত অনেকের প্রশংসাভাজন হইয়াছেন ও নিজেও উল্লসিত হইতেছেন কিন্তু কে না জানে বর্ত্তমান গভর্ণমেণ্টর মনোভাব বাঙালী গৃহস্থ পরিবারের বন্ধ্যা বিধবা পিসীমার ন্যায়—এই শ্রেণীর পিসীমায়েরা যেমন গর্ভধারণে কিংবা প্রসবকরণে অক্ষম, কিন্তু পরের সন্তান লালনপালনে পটীয়সী। বর্ত্তমান মন্ত্রীমণ্ডলী গভর্ণমেণ্টকে সংগঠনমূলক বাঙালীর জাতীয় জীবনের উন্নতিকল্পে পরিচালিত করিতে অক্ষম কিন্তু প্রাক্তন আমলাতন্ত্র গভর্ণমেণ্টের গতানুগতিক শোষণধারা বজায় রাখিবার জন্য শশব্যস্ত। আমাদের Assembly জীবনের বাল্য, কৈশোর, পৌগণ্ড, যৌবনকাল অতীত হইয়া গিয়াছে। এক্ষণে নাভিশ্বাসের কালে বর্ত্তমান বিলের সাহায্যে গঠনমূলক পরিকল্পনা কার্য্যে পরিণত করার চেষ্টা বিড়ম্বনা মাত্র। কায়কল্পবিধানে আয়ুবৃদ্ধির যুক্তি অবতারণা করিয়াও মন্ত্রী মহাশয়ের প্রদর্শিত যুক্তির সার্থকতা উপলব্ধি করা সম্ভব হয় না। বর্ত্তমান বিলদ্বারা ইংরেজ-প্রসাদ-গর্ব্বিত সাহেবানুজীবি মন্ত্রীমণ্ডলীর শোষণনীতির পুনরাবৃত্তিই প্রকাশ পাইতেছে। এবং তদ্দ্বারা প্রেষ্টিজ বজায় রাখিবার জন্য বৃথা চেষ্টা হইতেছে মাত্র। কোন সৌখীন ভদ্রলোকের গললগ্নীকৃত উত্তরীয় না থাকিলে বাহিরে যাওয়া অসোয়াস্তি বোধ হইত। ভদ্রলোকটির একটু পানদোষ ছিল। ফলে স্বামীর উত্তরীয় হারানো অপরাধজনিত ব্যাপার লইয়া তাহাদের স্বামীস্ত্রীতে প্রত্যহ তুমুল কলহ হইত। অবশেষে তিনি মদ্যপান ত্যাগ করার প্রতিশ্রুতি দিয়াও শেষবার উত্তরীয় চাহিলেন। বরং মদ না খাইয়া চলিতে পারে কিন্তু উত্তরীয় না হইলে চলিবে না ইত্যাদি চিন্তা করিতে করিতে পথ চলিতে লাগিলেন। সেদিন তাঁহাকে বন্ধুবান্ধবের কাতর আহ্বান, যুক্তিতর্ক এমন কি সনির্ব্বন্ধ অনুরোধ পর্য্যন্ত তাহাকে বিচলিত করিতে পারিল না। হঠাৎ তাঁহার উর্ব্বর মস্তিষ্কে একটা বুদ্ধি যোগান দিল। তিনি উত্তরীয় কটিদেশে দৃঢ়ভাবে সংবদ্ধ করিয়া উত্তরীয় সম্বন্ধে যথেষ্ট সাবধান হইতে পারিয়াছেন মনে করিয়া সেদিন যেন আনন্দে আরও একটু বেশী মদ্যপান করিলেন এবং মাঝে কটিসংলগ্ন উত্তরীয় সজোরে টান দিতে লাগিলেন। ফলে ভদ্রলোকটির উত্তরীয়ের খোঁজ রইল বটে—কিন্তু কটিদেশ ক্রমশঃ সংকীর্ণ হওয়ায় পরিধেয়বস্ত্র নিখোঁজ হোলো। স্ত্রীর তীব্র ভৎর্সনায় তিনি প্রথম তা' টের পেলেন। বাংলা গভর্ণমেণ্ট Nation-building schemeএর ধাপ্পা দিয়ে prestige বজায় রাখবার চেষ্টা করছেন কিন্তু তৎসঙ্গে ট্যাক্স ধার্য্যের সংশ্রব থাকায় প্রতিক্রিয়াশীল মনোভাবই প্রকাশ হয়ে পড়ছে। মন্ত্রীমশায় তা' টের পাচ্ছেন কি? তাঁর মন্ত্রণার ধারণা আধুনিক, কিন্তু মর্ম্ম একেবারে আদিম। মন্ত্রীমশায় বেশ বোঝেন যে তাঁদের অভিসন্ধি সিদ্ধ হ'লেই মন্ত্রের সাধন।

বর্ত্তমান যুগে মনুষ্যজীবনে ট্যাক্স একটা অকল্পনীয় জটিল সমস্যা। বয়োবৃদ্ধির সঙ্গে সঙ্গে ট্যাক্স দেওয়ার প্রবৃত্তি উত্তরোত্তর বৃদ্ধি পেতে থাকে এবং ট্যাক্স দেওয়াই মনুষ্যজীবনের, বাঙালী জীবনের সার্থকতা তথাপি আমরা যে ভাবে overtaxed হয়ে পড়েছি নূতন কোন ট্যাক্সএর নাম শোনা মাত্রই আমাদের যেন ভীষণ আতঙ্কে হৃৎকম্প উপস্থিত হয়। আমাদের দৈনন্দিন জীবনে সকালে বিকেলে ট্যাক্স, পূর্ব্বাহ্নে অপরাহ্নে ট্যাক্স প্রাতে শয্যাত্যাগের পর হ'তে নিশীথে শয্যাগ্রহণের পূর্ব্ব পর্য্যন্ত আমরা কেবল ট্যাক্স দিয়েই

জীবনযাত্রার পথে চোল্‌তে থাকি। অন্তরে বাইরে, পূর্ব্ব-পশ্চিমে ট্যাক্স দিতে দিতে মাঝে দিগ্‌বিদিক্‌জ্ঞানশূন্য হ'য়ে বিপথে চলতে বাধ্য হয়ে পড়ি। তারপর সাপ্তাহিক, মাসিক, ত্রৈমাসিক, ষান্মাসিক এবং বাৎসরিক ট্যাক্স তো বরাবর আছেই। এর কোন একটিকে বাদ দিয়ে সচল মনুষ্যজীবন অচল হয়ে পড়ে। এর ওপর আবার ক্ষুৎব্যাধির জন্য আধ্যাত্মিক ট্যাক্স, ভূমিকম্প, গৃহদাহ প্রভৃতির জন্য আধিদৈবিক ট্যাক্স, চুরি ডাকাতি মামলা মোকদ্দমা প্রভৃতির জন্য আধিভৌতিক ট্যাক্স হ'তেও অব্যাহতি পাবার উপায় নেই। তার উপর এই সব নিত্য নৈমিত্তিক ট্যাক্সের ওপর সাময়িক ট্যাক্স, যথা কন্যার বিবাহ, স্ত্রীর মনস্তুষ্টির জন্য বসনভূষণ, সমস্যা সমাধান প্রভৃতি মনুষ্যজীবনে অবশ্যকরণীয়। বিধানের শাস্ত্রে উল্লেখ দেখা যায়, যার অন্যথা হইলে প্রত্যবায়জনিত পূতিগন্ধময় নরক-যন্ত্রণা। সর্ব্বশেষে সাঙ্গোপাঙ্গ নিয়ে ভারত সরকারের ইনকাম-ট্যাক্স। একক ইনকাম-ট্যাক্স যেন স্বীয় মাহাত্ম্য প্রচারে অক্ষম ছিলেন সেইজন্য বাংলা সরকার তা'তে সরকারী ট্যাক্স যোগ ক'রে দিলেন। উভয়ের মিলনে একমেবাদ্বিতীয়ম্‌ না হ'য়ে উভয়ের যদিও দেহগত পৃথক সত্ত্বা থাকল কিন্তু এদের যুগপৎ আবির্ভাব ও তিরোভাব হয়ে থাকে। কেউ এদের পৃথক্‌ পৃথক্‌ নামকরণ করছেন কিনা আমার জানা নাই। ট্যাক্সপ্রপীড়িত আমার জনৈক শ্রদ্ধেয় বন্ধু বাংলাসরকারের ইনকাম-ট্যাক্সের দ্বিতীয় অবতারের নাম—তদনুকরণে "ইনি কি কম টেসে কম" ট্যাক্স নামকরণ করেছেন। এইসব অগণিত ট্যাক্স বিদ্যমান থাকা সত্ত্বেও বাংলাসরকারের অর্থসচিব মশায় যেন প্রতিযোগিতা ক'রে স্বীয় কীর্ত্তি-স্তম্ভ বঙ্গবাসীর হৃদয়মরুপ্রান্তরে জাগরুক রাখবার জন্যে আর এক আকস্মিক ট্যাক্স এর জন্যে দরখাস্ত নিয়ে হাজির হয়েছেন।

আমি Speaker মশায়ের মারফতে পরিষদ্‌ খেলাঘরে মন্ত্রীমণ্ডলীর ক্রীড়ণক সদস্য-বর্গকে স্মরণ করিয়ে দিচ্ছি যে, বাংলা গভর্ণমেণ্ট ট্যাক্স মারণাস্ত্র প্রয়োগে সব্যসাচী, কিন্তু সংহরণে অক্ষম অশ্বত্থামা। গভর্ণমেণ্টএর ট্যাক্স হস্তীর দন্তের ন্যায় একবার প্রকাশ পেলে কচ্ছপের অঙ্গ প্রতঙ্গ সংক্রমণের ন্যায় প্রয়োজন শেষে লুপ্ত হবার মত নহে। ট্যাক্স মহাপ্রভু একবার কোন প্রকারে এই পরিষদ্‌গৃহে প্রবেশলাভ করতে পারলে জনসাধারণের ভারাক্রান্ত মস্তকোপরি বসবেনই। আবার একবার বসতে চাইলে শুতে চাইবেন, তখন তা'কে গলহস্ত দিয়েও তাড়ান কিংবা ওঠান কঠিন হবে। বর্ত্তমান ট্যাক্স ব্যবসায়জীবি-গণের ওপর মুখ্যভাবে ধার্য্য হইলে কি হয়, গৌণভাবে জনসাধারণের ওপর ওর প্রভাব পূর্ণমাত্রায় পীড়ণ করবে। ট্যাক্সের জন্যে দ্রব্যের মূল্য বৃদ্ধি হবে তাতে ব্যবসায়ীর বিশেষ কিছু ক্ষতি হবে না। ট্যাক্স খরিদ্দারের তহবিল থেকেই আসবে এবং ট্যাক্সের গুরুভার নিরন্ন কৃষকের ভারাক্রান্ত মস্তকে গিয়েই পড়বে। যে বেচারা মেহনৎ ক'রে মজুরী পায়, যে ফসল জন্মায়, পরিশ্রম দ্বারা উৎপন্ন করে সেই যখন বাজারে নিজেদের পরিশ্রমের দ্রব্য কিনবে তখন যত দাম দিলে ঠিক হ'ত তা'র চেয়ে ঢের বেশী দিতে বাধ্য হবে। ফলে পণ্যের বাজারদর বাড়বে এবং যা'রা কিনবে তা'রাই প্রকারান্তরে গভর্ণমেণ্টকে নজরানা দিবে। আমার মনে হয় মন্ত্রীমশায়ের অভিজ্ঞতায় ব্যবসায়জগতের দুটো দিক দৃষ্টিগোচর হয় না। তিনি কেবল "বাণিজ্যে বসতি লক্ষ্মী" শুনেই আত্মহারা হ'য়ে বিল প্রণয়ন করেছেন। ব্যবসায়বিজ্ঞানের আর একটা বিপরীত দিক আছে,

আলোছায়ার ন্যায় অঙ্গাঙ্গীভাবে সংশ্লিষ্ট, যা' লোকসানের দিক—মন্ত্রীমশায় তা' কেন উপেক্ষা করেছেন বলতে পারিনে। তিনি বর্ত্তমান বিলে বিক্রীত মূল্যের ওপরই তাঁর তীক্ষ্ণ দৃষ্টি নিবদ্ধ করেছেন। ব্যবসায়ে লাভ হ'লে ট্যাক্সের বোঝা এত পীড়াদায়ক হয় না বটে, কিন্তু লোকসান হ'লে ওটা "গণ্ডস্যোপরি বিস্ফোটকের" মতন মনে হয়। আমি এ বিষয়ে মন্ত্রীমশায়ের দৃষ্টি নিক্ষেপ করার জন্যে অনুরোধ করি। মন্ত্রীমশায় Nation-building scheme এর দোহাই দিয়ে শোষণবিষক্রিয়া বন্ধ করবার চেষ্টা করছেন বটে, কিন্তু বিলের Objects and Reasonsএ নির্দ্দিষ্ট কোন পরিকল্পনা না থাকায় মন্ত্রণাকুশল মন্ত্রীমশায়ের মন্ত্রের প্রয়োগ কৌশল অভাবে উহা কার্য্যকরী হবার নহে। তিনি মন্ত্রের সাধনায় সিদ্ধিলাভ ক'রে মন্ত্রণাকুশল হয়েছেন কিন্তু প্রয়োগকৌশল অভাবে বিষামৃতের একত্রে মিলন ঘটিয়ে তিনি যেন বিষের বিষত্ব নষ্ট ক'রেও তা' অমৃতত্বে পরিণত করতে পারছেন না। অতএব বাংলার জনসাধারণ পুনরায় ট্যাক্স দিতে ইচ্ছুক কি না, কিংবা গঠনমূলক পরিকল্পনার অজুহাতে পুনঃ পুনঃ নির্য্যাতিত হ'তে প্রস্তুত আছেন কি না কিংবা ব্যবসায় জগতের লাভ এবং লোকসান সনাতন শৃঙ্খলা জলাঞ্জলি দিয়ে কেবলমাত্র বিক্রয়-সর্ব্বস্ব নীতির অনুসরণ ক'রেই বর্ত্তমান বিল সমর্থন করেন কি না ইত্যাদি প্রশ্নসমূহের সমাধানের জন্যে আমি মাননীয় মন্ত্রীমশায়কে বিলটির circulation প্রস্তাব গ্রহণ করতে সনির্ব্বন্ধ অনুরোধ করি, এবং আমি আশা করি জনসাধারণ ওটা অনুমোদন না করলে বাংলাগভর্ণমেণ্ট প্রস্তাবিত বিলের সংকল্প পরিত্যাগ করবেন। এই প্রকার বিল আনবার পূর্ব্বে জনসাধারণকে সরকারের আর্থিক অবস্থার প্রকৃত বিবরণ জানিয়ে দেয়া প্রয়োজন এবং ব্যয়সংকোচের দাবী মেনে লওয়া উচিত।

Mr. SHAHEDALI: Mr. Speaker, Sir, I have heard with rapt attention the speeches that have been delivered by the previous speakers, and I have nothing further to add. I may say this, that at the time of introducing any Finance Bill I have never seen any Government attributing any motive to the Opposition. But the Hon'ble Finance Minister, while introducing this Finance Bill, has attributed a motive to the Opposition saying that they are Praja Daradis, Praja Hitaishis. My friend has shown his love for the agriculturists on different occasions and different measures. For example, at the time of passing the Money-lenders Bill there was some provision for the good of the agriculturists. For example, the agriculturists take money from Scheduled Banks and my friend showed his love for the agriculturists by excluding the Scheduled Banks! Then the agriculturists also borrow money from the Notified Banks and my friend, in spite of his love for debtors, not only excluded the Notified Banks, but he also excluded the would-be Notified Banks. Similarly, the Insurance Companies, and the Assurance Companies were also excluded from the purview of the Bill. To crown all, by the Co-operative Bill, all the powers of the Board of Directors have been taken away and vested in the Registrar, and thereby he has shown his love for the poor debtors of the Co-operative Societies! While in

the Money-lenders Act there is a provision that more than double the principal cannot be realised as interest and principal from the debtors, but in the Co-operative Societies Bill, there is no such provision limiting the interest, and if a debtor pays interest to the extent of twice, thrice or four or six times the principal, still he has to pay the balance of his dues. There is no provision to save the poor agriculturists, and this has been done only to show his love for them!

Then, Sir, the Hon'ble Finance Minister has said that he has got no money. But I can say that he has misspent money and if he had not done so, there would have been large amounts of money available for nation-building purposes.

Sir, many members of the House have referred to the Floud Commission. At the outset, some members of the Assembly were of the opinion that there was no need for a Commission at all, because they thought that members coming from the different districts were competent enough to deal with the matter. But they had one object in their mind and that object was to help the zemindars so that they might not be deprived of their zemindaries in future. Their object was to create a document so that even if a legislation was passed by this House, the Central Government or the Provincial Government, on the plea of the Commission's report, would reject that legislation automatically and the Hon'ble Minister on account of his enthusiasm and love for the agriculturists has created a document against any such legislation in future!

Then, Sir, there are so many Committees here, but they have not done any substantial work within these four years. There is the Non-Agricultural Tenancy Committee and they had at least fifteen or sixteen sittings and the members of the Committee were allowed to draw travelling allowance several times for attending these sittings, but no report of the Committee has as yet come out though the Committee is as old as three years.

Then, Sir, there is the Rent Reduction Committee and their report also we have not found as yet. There are several other Committees and the Hon'ble Finance Minister has provided enough money for the members of these Committees who are none but the supporters and friends of the Ministry. This clearly shows that the Hon'ble Finance Minister has not tried to reduce expenditure.

Then, Sir, I have heard from a friend of mine hailing from the district of Tippera that he and other members of a Committee will go to Calcutta from their respective places only to sign the report of the Committee on Saturday last, although if they had signed it a few days afterwards, there would have been a saving of a large amount of money on account of travelling allowance. So these examples of

unnecessary expenditure on the part of the Hon'ble Minister clearly shows that the money he wants now will not be properly and usefully spent.

Sir, I had never thought that this Government is a money-lending institution. My friend, Mr. Jalaluddin Hashemy, has, in clear and unequivocal terms, stated that one of the members of the Cabinet, namely, the Nawab Bahadur of Dacca, has taken a loan of about Rs. 4 lakhs on condition to pay it back in instalments. But he has defaulted and not paid that amount. Another four lakhs of rupees has been financed to the Maharaja of Susung, and this amount also has not yet been paid back. My friend is perhaps going to advance money to other Maharajas and Nawabs, and I fear the money that he is now going to raise is to be spent wholly for the cause of the Ministry and for propaganda.

Lastly, my submission to the Hon'ble Minister is this. The attitude of the European group is that they would not oppose the Bill at the present moment and that they would allow it to go to a Select Committee, but that they have reserved to themselves the right to oppose the Bill in its later stages. My request to the Hon'ble Minister is that if he sees that there is no chance of getting the consent of the European group, he should drop the Bill before it is sent to the Select Committee. He may consult the leader of the European group, and if the Hon'ble Minister is sure of getting the support of the European group, he may proceed with the Bill and spend as much money as he likes. If he is not sure of their support, it is better that he does not send the Bill to the Select Committee and thus misspend the money.

Adjournment.

It being 7-30 p.m.—

The House was adjourned till 10 a.m. on Saturday, the 30th November, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Saturday, the 30th November, 1940, at 10 a.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 193 members.

Appeal made by the Greek Consul for War Contribution.

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I understand that an appeal has been made for fund by the Greek Consul at Calcutta. It appears that the appeal has been made to you and to your staff. Are we to take it that the members of the House should be included as belonging to your staff?

Mr. SPEAKER: I am sorry, Mr. Biswas, I have not as yet gone into the matter.

GOVERNMENT BILL.

The Bengal Finance (Sales Tax) Bill, 1941.

Rai HARENDRA NATH CHAUDHURI: Sir, the spirit of levity that marked the opening observations of the Hon'ble the Finance Minister in introducing the Finance Sales Tax Bill, 1941, is altogether incongruous with the spirit with which such a Bill is generally introduced in the Legislature. It is the characteristic attitude of a person who cannot keep flippancy apart even from finance. It is commendable indeed that the Hon'ble Mr. Suhrawardy has learnt two good Bengali words, namely, *Hitaishi* and *Hitakankhi*——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He used three —not two. The third is *Daradi*.

Rai HARENDRA NATH CHAUDHURI: *Daradi* is not a good Bengali word.

The Hon'ble Mr. H. S. SUHRAWARDY: What about *Bandhu*?

Rai HARENDRA NATH CHAUDHURI: You did not use that word.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, I did.

Rai HARENDRA NATH CHAUDHURI: But, Sir, like the sales tax, he conveniently passed off those words to the consumers, *i.e.*, the listeners of his speech, probably because he was suffering from the prickings of his conscience—of course, if it can be said that he has any conscience at all—and intended to relieve himself by reproaching others.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Conscience seems to be the monopoly of my friend.

Rai HARENDRA NATH CHAUDHURI: It appears to be the monopoly of those who have come in by separate and special constituencies to think that they only are entitled to feel for the general public, and that others who have come through general constituencies are not. It is that presumptuous attitude which was, Sir, reflected in the Finance Minister's speech last evening.

Now, Sir, what is the justification of the Bill before us? The Statement of Objects and Reasons says that the Hon'ble the Finance Minister prophesied that Taxation Bills would be forthcoming during the course of this session and, therefore, in pursuance of that prophecy, this Bill has been brought forward. In other words, because, the Finance Minister said: let there be light, therefore there must be light. Whether there was any financial or circumstantial justification for such a Bill or not, it concerns him very little. He does not think that he is bound to justify it from these stand-points. He simply begins with the observation that because he told us in introducing the Budget that taxation measures would come during the year, therefore the Bill had been brought forward. As I see Hon'ble Mr. Suhrawardy questioning my statement, I am compelled to refer to the Statement of Objects and Reasons. It runs thus: "The taxation contemplated in the Bill represents the taxation foreshadowed in the closing paragraph of my Budget speech. The present resources of the Government of Bengal are not sufficient to enable them to maintain the natural development of the programme of nation-building activities already in progress, and for the purpose of financing the further beneficent schemes for the economic improvement of the province for which there have been insistent demands in the House and which the Ministry feel cannot be postponed, additional revenues are essential." But, Sir, without giving any figures to show how the Governmental resources are unequal to the activities now in progress, the only other justification that he

has put forward is that he must have more money to finance new and beneficent schemes. But what is the history of the working of this Government in the matter of beneficent schemes during the last four years? If you look to the Budgets and if you look to the accounts you will find that it is a story not of want of money, but of want of schemes. Every year ample money was provided in the Budget for so-called new schemes, but all those advertised schemes could not be given effect to simply because the schemes were not mature and therefore the works had to be postponed. If anyone is in doubt, let me refer him to the latest accounts that have been published, *i.e.*, the accounts for the year 1938-39 when the Government were not in want of money. In explaining the saving of about Rs. 60 lakhs that was made in that year, mostly under the nation-building departments, namely, Medical, Public Health, Agriculture and Industries, the following observation is made by the Accountant-General, Bengal: "The savings under the heads Medical, Public Health, Agriculture and Industries were chiefly due to the time taken for working out the details of new schemes for which lump provisions have been made." That is, Sir, the art and achievement of the present Government. They make ample provision in the Budget merely for window dressing, just to take in the public, and when it comes to working out the schemes, well, they run away and those grants have to be surrendered simply because the schemes are not mature and ready for execution. That is, Sir, the consistent story of the budgetary expenditure of this Government. Let me refer not only to the general observation made by the Accountant-General with respect to the accounts for 1938-39, but let me also refer to some particular instances. Many important provisions were made in the Public Health Budget for 1938-39—one for leprosy, another in connection with tuberculosis and a third in connection with malaria. What did the Government do? Well, in spite of the fact that large provisions were made in the Budget, so far as the tuberculosis survey was concerned, it was postponed. Why? Similarly, the provision for leprosy control could not be utilised. Then what about grants-in-aid towards water-works? Abandonment or want of detailed scheme accounted for a surrender of about one and a half lakh of rupees. Similarly in respect of sewerage schemes, more than half a lakh was saved because the precious scheme "did not mature during the year" owing to unforeseen difficulties. In regard to the reorganisation of rural public health units, there was again a saving of about a lakh of rupees, "mainly because the scheme for reorganisation of rural public health units had not been ready for introduction." And what about tackling malaria, the greatest of our problems? About Rs. 8½ lakhs were provided in the Budget of which Rs. 2½ lakhs were not spent. Why? "Mainly owing to the absence of a fully matured comprehensive scheme." This, Sir, is the story unfolded by the Appropriation Accounts of the year 1938-39. Whatever the Finance

Minister may say in reply, the story told by the actual expenses is that a large fund was provided in the Budget, but it was not spent, because the so-called schemes were not ready. And now this Government is coming forward with a Bill to raise Rs. 2 crores from the people of this province on the plea that the execution of new schemes requires more money. But who is going to believe the assertion of this Government—a Government which could not produce mature schemes during the last four years, but aspires to do everything in the last year of the tenure of its office?

I think I have disposed of the Statement of Objects and Reasons. Now, when and in what circumstances is this Bill going to be introduced? The Hon'ble the Finance Minister frankly told us last night that this tax of about Rs. 2 crores was going to fall on the consumers. It is going to be a consumers' tax. If that be the incidence of the tax, let us see when are the consumers going to be taxed? They are going to be taxed when war prices are ruling the market, when all-India is going to suffer from the imposition of more and more taxes for the War Budget. I may remind the House that already new taxes amounting to Rs. 6 crores have been imposed on us Indians to cover an initial war expenditure of Rs. 33 crores, and we are threatened with further taxes to cover the recurring expenditure of Rs. 13 crores which will be required for the war. Sir Jeremy Raisman has already told us that further taxation measures are under contemplation, and they will be made public during the next Budget Session. It is certain, therefore, that the six crores of war taxes that have been imposed now would be further augmented when the next Budget will be brought forward. At such a time when the whole country is going to suffer from more and more taxes to find money for war expenditure, when war prices are ruling the market also, we are going to be faced with the proposal of a new taxation to the tune of two crores of rupees in our province, and the consumers, the poor consumers here, will have to find the money as the Hon'ble Finance Minister has already told us.

Now, Sir, the Hon'ble Finance Minister remarked in his speech that it will be only a small tax on retail sales. But, Sir, what is the nature of the small tax? It is going to be 2 per cent. Will you believe it, Sir, that no country in the West thought of starting with a general sales tax as high as 2 per cent.?

(At this stage the blue light was lit.)

Will you kindly permit me, Sir, 10 minutes more? I have still got some very important points to deal with.

Mr. SPEAKER: I am sorry, it is very difficult, for there are still eight more speakers to speak.

Rai HARENDRA NATH CHAUDHURI: Sir, I do not think there will be many speakers from our side.

Mr. SPEAKER: All right, try to finish it in five minutes.

Rai HARENDRA NATH CHAUDHURI: All right, Sir.

As regards the general sales tax, I may tell the House that no country in Europe began with such a high percentage as 2 per cent. Germany started with ·5 per cent., France 1·1 per cent., Belgium 1 per cent., Czechoslovakia 1 per cent., Austria 1 per cent., Hungary 1·5 per cent. And while Canada started with 1 per cent., in our country Madras began with ·5 per cent. only. None of these countries ever thought of starting with a general sales tax at such a high rate.

The Hon'ble Mr. H. S. SUHRAWARDY: In Canada it is 12 per cent.

Rai HARENDRA NATH CHAUDHURI: May be now, but so far as Germany is concerned, even in 1932 the taxation was 1·35 per cent. on retail sales. Then, again, the Hon'ble Finance Minister attempted to justify himself by reminding us that other Indian provinces have imposed general sales tax. So far as Bombay is concerned, there is really no general sales tax. The tax that has been imposed in Bombay has been on motor spirit and manufactured cloth only. So far as Madras is concerned, the General Sales Tax Act was passed there before the war. But no province thought of passing a tax to the tune of two crores of rupees after the war began. The Bombay Act was passed in the summer of 1939 and the Madras Act in May, 1939.

Now, Sir, regarding the other provisions of the Bill the Hon'ble Finance Minister merely said that such a clause should not create any concern and such other clause is harmless and so on and so forth. Such is the general tenor of his arguments. Even the clause that relates to the seizure of accounts, he says, ought not to create any concern. Similarly, the clause relating to penalties, should not also create any alarm. Again, mere registration will not do; registered dealers will have to take out licenses also.

So far as exemption is concerned, the Hon'ble Minister's scheme is that raw materials sold to the manufacturers will be exempted. Secondly, foodstuffs will be exempted. Thirdly, things already subject to a tax, such as electricity, will also be exempted. Fourthly, the sale of goods consigned to an address outside Bengal will also be exempted.

Here there will be a departure from the Madras Act. I cannot understand, if it is desired to develop the manufactures of this province, why should the sale of raw materials consigned to an address outside Bengal be altogether exempted from taxation. In Madras,

Sir, you will find that they tax such sales, but they give rebate on industrial productions. I think that for the development of manufacture in this province, that policy should have been adopted, namely, to tax raw materials consigned to an address outside the province, but to allow some rebate on manufactured articles sent outside so that our manufactures may find an easier market beyond the province.

Then, Sir, I have to refer to the apprehension which has already been mentioned but not at all met by the Finance Minister, namely, that the Act will interfere with the flow of commerce and with ordinary trade practice. Unfortunately, the Finance Minister has given no arguments to show why this apprehension will not be realized. He has simply observed that it will not be the case. But why it will not be the case here when it is the inevitable result of such taxes to interfere with established trade practice, he has not explained. He ought to have put forward sufficient arguments why it will not be so.

Sir, my concluding words will be that Government ought not to have thought of such a tax at such a time when war prices are ruling the markets, when we have to find money for a huge defence budget and when the Government of India are contemplating more and more taxes. So far as the balancing of the Budget is concerned which was the consideration in Bombay and Madras on account of introduction of prohibition in those provinces, there need be no apprehension here, for almost all the major sources of revenue of the Government of Bengal have either been unhit or expanded, so far as I know. For instance, the excise revenue of this Government has increased by about 25 lakhs during the administration of the present Ministry. So far as income-tax is concerned, we already have it from the Central Finance Member that our receipts from income-tax will be higher. Sir, let me quote a few words from Sir Jeremy Raisman's speech. He said, "I have already mentioned that the provincial share of income-tax for the last year has turned out to be Rs. 2,81 lakhs as compared with the Budget Estimate for 1939-40 of Rs. 1,78 lakhs, and our revised estimate on the basis of the amended nine-year formula of Rs. 2,38 lakhs. The provinces will thus be receiving merely double the amounts that fell to their share on account of each of the two preceding years." So, we need entertain no apprehension so far as income-tax receipts are concerned. Our receipts from land revenue are generally the same, but have lately gone up by a few lakhs because of the revision of land revenue in temporarily settled areas.

The only major head of revenue that has been hit by the policy of the Government—and I do say, that is a good policy—is that of Stamps. The income from Stamps has no doubt been affected largely but temporarily because of the operation of the Debt Settlement Boards. Apart from Stamps, Government need have no apprehension about the

other sources of revenue. So, the question of imposition of a fresh tax for balancing the Budget does not arise at all. And, Sir, on these grounds I oppose the Bill and support the motion for circulation.

Babu SHYAMA PROSAD BARMAN: Sir, I beg to support the motion moved by my honourable friend Maulvi Abu Hossain Sarkar. I submit that this Bill is the blackest of all Bills that have been brought by the Hon'ble Minister before this House, because this Taxation Bill is without any necessity. Mr. Jalan has said yesterday that traders, dealers and merchants will be affected by the provisions of this Bill, but I submit that this taxation measure imposes indirect taxation upon the masses of the province, upon the ratepayers and upon poor merchants. It may be said that the Bill will touch the pockets of the dealers and the shopkeepers only, but I submit, Sir, that the real victims of this ill-conceived and nasty measure will be the poverty stricken masses, for the taxation is bound to be passed on the consumers in the shape of higher prices.

In the present financial position of the people who are groaning under poverty, I cannot conceive how the popular Ministry would venture to impose further burden of taxation upon the people. The masses who can hardly eke out an existence, would be made to pay higher prices for many of their essential necessities, and this would naturally put severe restriction on the consumption by the people, because in a country of low purchasing power, where a major part of the income of the people has to be spent on essential necessities, the demands for other goods are necessarily elastic, with the result that even a small rise in the price is generally followed by a considerable fall in the demand. Thus the Bill when passed into law will penalise all the industries of the province and will inflict a serious loss upon them. It will also set back the industrial progress of the country. In short, the Bill when it becomes an Act, will be applicable to every town and small village of the province, and thousands of poor and illiterate traders will be affected by its pernicious provisions and poor people will be hit hard.

True, a limit has been placed exempting those dealers whose turnover does not exceed the taxable quantum. But the small dealers generally buy from the larger ones, from the wholesale dealers, so the tax is bound to be passed on them. Most of the petty and illiterate traders, scattered in thousands of villages, will find it extremely difficult to keep and maintain accounts in the forms prescribed for the value of the goods sold and purchased by them, and to submit returns in prescribed forms. Thus the Bill will inflict needless harassment upon a large number of traders and merchants with the result that ultimately

there will be a complete breakdown of industries that Bengal has built up in spite of the official indifference or negligence.

It is a matter of great regret that though the Bengal Ministry have a large and efficient Department of Industries, the Hon'ble Ministers have not so far been able to create or assist in creating a single important industry in the province. On the contrary, they are going to deal a death blow to and destroy the small industries that drag a hand-to-mouth existence.

Now, Sir, I submit that this Bill wants to impose upon the sales of certain goods a tax which will hit hard ultimately the poor people of the province. But what is the reason? What is, after all, the justification of this proposed taxation? Is it, under any circumstances, warranted by any state of emergency sufficient to necessitate the enactment of such an Act? We are told that the proceeds of this taxation measure will be utilised for the nation-building activities. In the name of financing the nation-building activities, the Ministry already imposed the Employment Tax by the Finance Act of 1939. May we enquire what has become of the proceeds of that taxation? What beneficent schemes have been financed by the taxes amounting to Rs. 12 lakhs a year? It has become the practice with the Ministry to squeeze out money from the poor tax-payers to finance schemes that never materialise. As no beneficent schemes have been prepared and placed before the House and as no ground has been made out by the Hon'ble Finance Minister for the imposition of fresh burden of taxation on the people, we cannot submit to the taxation of this nature and we cannot support the Finance Bill. There is nothing under the contemplation of the Ministry for extending the rural credit facilities to relieve the agriculturists of the province. There is nothing under their contemplation to redeem the promise of the Hon'ble Chief Minister about the primary education without taxation. There is no provision for the industrialisation of the country, no provision for the prevention of malaria, cholera and such other diseases which are sweeping away millions of people of this province, and there is no provision for the betterment of the health of the people. So we cannot be a party to this inequitous taxation measure. It is an admitted fact that the cost of administration has been increasing from year to year and the patronage has been distributed amongst the supporters of the Ministry on a lavish scale with a view to consolidate their position and make sure their future. They have created new posts and services in order to give patronage to the dependants and relatives of the supporters of the Ministry. So the Ministry has imposed taxation upon the people to meet the increased cost of administration. Having regard to the exigency of the European war and its adverse effects on all trades and industries, I think the introduction of this Taxation Bill is inopportune, and the Bill itself is ill-conceived and

oppressive. This taxation measure will be so harmful and ruinous to the economy of the province that I do not find words strong enough to condemn it.

I therefore submit that this Bill should be circulated for eliciting public opinion thereon, for this simple reason that it will affect the entire people of this province; so they can legitimately claim to have their say in this matter.

Mr. P. BANERJI: Sir, I am at one with Mr. Jalaluddin Hashemy when he said that such a Bill has been brought at an inopportune moment and that it should be killed at once. But as this is not possible at this stage of the Bill, we are following the procedure which is now open to us, namely, to support the circulation motion. In the Statement of Objects and Reasons the Hon'ble Minister says that the sole object of this taxation measure is to maintain the natural development of the programme of nation-building activities already in progress, and that for the purpose of financing the further beneficent schemes for the economic improvement of the province for which there have been insistent demands in this House and which the Ministry feel cannot be postponed, additional revenues are essential. He thinks that this taxation measure will prove to be the panacea for our progress in the field of nation-building activities. But he never dreamt that it has been found out by everybody that it is nothing but the bitter contents of a sugar-coated pill, as has been quite evident from the speeches delivered by the honourable members of this House including the honourable member who spoke on behalf of the European group. Sir, Mr. Sassoon even opposed the provisions of the Bill, but, as is usual with the proverbial Jew, he is bent upon having his pound of flesh. I do not find any point in Mr. Sassoon's statement that he must wait and see, and, if necessary, will oppose it, but not at this stage. It is clear that no person possessing an ounce of commonsense in him could support a measure of this character, but my friends of the European group know that their pound of flesh has been obtained so far as the important commodities like jute and tea are concerned, and whatever little difficulties there are in their way, they propose to settle them in the Select Committee. Even Mr. Sassoon has complained that Mr. Suhrawardy could not account for his previous actions and justify the expenditure in this direction. In spite of all this, I fail to understand why the independent Britishers should take this attitude of sitting on the fence. They have consistently shown this attitude from the time the white bureaucrats were administering the country up to the present time when the brown bureaucrats are working. They will support them in season and out of season in all their works, even in their misdeeds. The latitude and indulgence that have been given by the Britishers to the

present Ministry have resulted in this crisis, and if they are allowed to go on in the way that they are now doing, they will be heading for a greater crisis still.

Now, Sir, some of the honourable members wanted an assurance from the Hon'ble Minister. What assurance may I know? An assurance was given in the previous Councils also by Sir John Woodhead when bringing in a measure of this character. An assurance was given when court-fees, registration fees and stamp fees were increased by 50 per cent., but what was the result? The result was that the money obtained from these sources was not spent properly; and the most unfortunate part of the whole thing was that whenever Government wanted to bring forward a measure of this kind in order that something might be done for the nation-building departments, the complaint of Government was that there was paucity of funds. In spite of the fact that Government had enough funds at their disposal, as one member has remarked, in 1937, they could not manage matters well to the satisfaction of the public. They bungled and mismanaged; so what guarantee is there that the money that will be forthcoming from the imposition of this tax on the poor traders in this country will be utilised properly? What is the cause for this state of affairs? I have no hesitation in saying that this deplorable condition is due not so much to mismanagement on account of the income remaining stagnant, but to the operation of the iniquitous provisions of the Agricultural Debtors Act, and the Money-lenders Act. Unless these Acts are repealed, there is no chance, however much the Ministry may try to get money from other avenues and by taxation, for an improvement of the situation. The Hon'ble the Finance Minister told us last night that there were other avenues of income which would be tapped later on because more money was wanted. As I have said, the real remedy lies not in the further taxation, but the real remedy is the repeal of these iniquitous Acts.

Sir, with the little time at my disposal, it is not possible to do justice to the subject before us. I will finish my speech only by pointing out several salient points. My friend Mr. Rai Chaudhuri has pointed out that the Hon'ble Minister was yesterday speaking about different legislations in different provinces like Bombay, Madras and Bihar. Now, what is the taxation there? There the tax is on motor spirit only, and for what purpose? Because there has been a deficit not owing to mismanagement or misuse of public money, but owing to the introduction of prohibition. In Bombay owing to the introduction of prohibition, the provincial revenues have considerably fallen and therefore they have introduced this measure, but they have not imposed tax on all foodstuffs. When, in the year 1933 I found that there was some deficit in the Budget I suggested remedies in my Bengal State Lotteries Bill, Dog Racing Bill, etc. If Government had accepted my suggestions, they would have received several crores of rupees. For obvious

reasons they did not accept my proposals, but at the same time they encouraged surreptitious gambling and also dog racing. Now, there is a hide-and-seek play with the dog racing. As soon as the Assembly sits, the dog racing is stopped, and when the Assembly is not in session, the dog racing is started. There is no gain whatsoever except something which is given to the Tuberculosis Fund. If this dog racing is taxed, Government can get a lot of money. The poor people will not be benefited by this gambling. There are also other sources from which Government can get money. But how can they have money unless they satisfy the Legislature that they will spend the money in the right direction? I will finish by saying only two other very objectionable things, viz., hire-purchase and also contractors, materials and labour. The Hon'ble Minister has said that this tax will not be imposed twice, but what about the case of contractors, materials and also of labour. Materials will be taxed once as soon as a building is prepared. The tax will be at the rate of 2 per cent. The contractors will again be charged not only for materials but also for labour. This, I consider, is very preposterous.

With these words, I support the motion for circulation.

Mr. NALINI RANJAN SARKER: The Hon'ble Finance Minister has not dwelt at all on the merits or demerits of sales tax as a method of taxation. He evidently has not thought this necessary. It cannot, of course, be unknown to him that a sales tax affects the poor much more than the rich, and is thus at variance with the accepted principle of imposing levies with an eye to disparities in income. But the Hon'ble Finance Minister brushes aside all such considerations with the remark that the friends of the Projas would no doubt raise a hue and cry against this taxation, but having been privileged to possess the confidence of the people, his Government were sure of popular support in whatever they did, in whatever taxation they proposed to introduce.

It has so far been the accepted theory to tax the poor as lightly as possible and to impose heavier levies on the more affluent sections. But that principle is given the go-bye in this case, because the incidence of the sales tax is far heavier on the poorer sections than on the richer classes. Throughout his speech the Hon'ble Minister emphasised that the tax would be passed on to the consumers and that it would not affect the dealers. Reading between the lines, one can see that the Hon'ble Minister was more anxious to assure the representatives of commerce particularly of British commerce on whose support he counts, that the tax would not affect their trade and commerce than to secure the good-will of the consumers, that is, the general mass, whose support the Hon'ble Minister believes is an assured monopoly of his Government.

Expenditure itself is a bad base for taxation. The richer is a mar the larger the percentage of his income which he saves and whicl therefore, escapes taxation. The poor man does not save anythin and therefore no part of his income escapes taxation on that accoun If expenditure is a bad base for taxation, expenditure on material good is obviously far worse. For, the richer the man, the larger is th percentage of his total expenditure on non-material services, *e.g.*, h travels a lot, rents big houses, spends a good deal on professions services, employs musicians, etc.—and all this expenditure will b exempt from the tax under a sales tax; while the poor man spend practically all his income on material goods and thus practically al his income is liable to be taxed at the full rate. Studies in Americ on the incidence of sales tax have revealed that the actual incidenc of the tax on the lowest income class is as much as sixty times mor than that on the highest income class.

Apart from the consideration that the tax falls heavily on the poore classes, the tax is likely to affect trade and commerce also adversely This is the American experience on a long-period working of the ta and this has also been the experience in Madras, during the short tim a sales tax has been in existence there. According to Americai experience with the levy of a sales tax, cost of business rises by 2 t 28 per cent. of the tax itself according to the size of the concern becaus of the extra expenditure entailed in keeping of accounts, etc.

Conditions in this country are far different from those in America If the cost in America has risen even by 5 per cent., in this countr it will rise by a much larger percentage. Many of our dealers ar illiterate. They do not often engage any staff and do not know hov to keep accounts. This measure will compel them to employ a clerk In introducing the Purchase Tax, Sir John Simon said in his las Budget Speech in the House of Commons that in England there wer as many as 300,000 retailers above the income-tax limit who did no keep accounts. They were not very small dealers for they pay income tax. If that be the condition in England, the condition must be fa worse in this country where the people are illiterate. The Financ Minister can hardly visualise the difficutlies and the extra cost whicl this measure will put them to.

The Finance Minister has expressed an easy optimism that th businessmen of Calcutta will not lose their customers in Assam, United Provinces or Behar. He hardly realises in what innumerabl ways the measure may drive business out of Calcutta. He probabl relies on the cost of transport as a factor preventing the loss of business. But I may point out that delivery is not essential to the sale of good according to his definition. Goods sold in Chundernagore may b delivered in Calcutta. There are innumerable dealers in Calcutta, whose annual turnover is below Rs. 20,000. A specialised line o

business may easily develop in Chundernagore as soon as the Bill is passed. This business will supply goods to the unregistered dealers in Calcutta who have their godowns in Calcutta. The negotiation and the consummation of the transaction will take place in Chandernagore, but the delivery of the goods will be given in Calcutta. Most people would gladly undertake a day's journey to Chandernagore rather than pay a tax of Rs. 400, and even a journey may not be needed at all, for telephone calls would be enough.

Secondly, there are several lines of goods of which the bulk is very small, but the price is very high. I refer to jewellery, gold, precious stones and motor cars. The tax payable on them will be much higher than the cost of transport. It would be natural for buyers of these goods to prefer a drive to Chandernagore and buy these articles there tax-free to buying them in Calcutta tax-paid. They could save a good deal by so doing. The sellers might even keep their show-rooms and godowns in Calcutta and everything might be settled here. Only the contract of sale need be entered into at Chandernagore to avoid the tax.

Thirdly, trade practices are almost sure to change to the disadvantage of all. Years of business experience has developed certain practices in different lines of trade which the parties concerned find very convenient or economical. The impact of this measure on them is likely to threaten even the existence of many of them, and to that extent the object of the Bill would be frustrated. The Bill is likely to destroy economic efficiency without bringing in any corresponding benefit to the public exchequer. For example, the practices of the contractors, of tailors, of jewellers and of other persons who sell goods and services together would probably change very materially. People probably would no longer buy ready-made garments or jewellery, but would instead buy the cloth or the gold and pay for the making separately. Again, it is likely that people would no longer enter into simple contract with contractors for building their houses. The contract henceforward is apparently going to be a complicated affair, in which goods and services would be charged and paid for separately. The resulting inconvenience to the people is likely to be very great, but the State would gain nothing all the while. Why then cause these inconveniences?

The tax is bound to result in a restriction of consumption. The then Chancellor of the Exchequer of England, Sir John Simon, in introducing his Purchase Tax in last April said, "We must be resolute in reducing consumption at home. It is the deliberate intention of such a tax as this to do so." Sir John's object of reducing consumption is understandable, but the Hon'ble Mr. Suhrawardy's is not. In a society like ours where consumption is at a very low level, a further restriction cannot of course be desirable either from the point of view

of the general standard of living of our populace or from the point of view of the growth of our industries. The objection becomes very much more serious when it is considered that the restriction in the case of the poor will be much more severe than in the case of the rich.

But whatever may be the objection against a sales tax, it has to be conceded that it is a levy which has been increasingly resorted to in the American States, British Dominions and several European countries in recent years as a measure for revenue development for increasing the economic stamina of the poor. During the last depression which began in 1929, the States in America found most of their sources of revenue dried up with a sharply increasing number of the unemployed. The sales tax was then the only measure which could be relied on for a substantial revenue. There, the justification of the levy was that it was redistributed among the poorest classes mostly in the shape of unemployment benefits and therefore increased the staying power of the poor. Now that the depression has lifted, the tendency in the States is towards giving up the sales tax and many of them have actually given it up. The conditions in England are entirely different. There it is a war measure and is born of the deliberate intention of restricting home consumption and diverting industrial activities from their normal channels so that greater emphasis may be placed on industries producing armaments or goods for export.

In India the provinces have been saddled with the huge responsibility of launching ameliorative schemes to remove the accumulated deficiency of years in respect of education, public health, sanitation, economic uplift and a host of other things, but at the same time the power of taxation granted to the provinces under the Government of India Act, 1935, was extremely limited and has been still further limited by recent amendments both of the Act and of the Niemeyer Award. A sales tax imposed with the object of increasing the stamina of the people by constructive national work and with an eye to softening any undue rigours on trade and commerce and on the lower income-earning classes would, therefore, appear to be well justified by the needs of the provinces, which, moreover, could resort to few other tax measures so revenue-yielding as this.

But to concede that sales tax as a method of taxation is one which provinces may need resort to is not to admit that the present measure of taxation brought forward by the Government is immediately and urgently necessary. I personally feel that as yet there is no urgency for a measure like this, at least not to the extent implied or made out in the Bill. At a time when due to the war situation fresh and heavy taxes have been imposed both on trade and commerce and on the general population and when, besides, there is no knowing what further fresh burdens may be put on both in the near future in consequence of this

practically worldwide emergency, only a very serious and urgent necessity in the provincial sphere could justify a measure like the present. By such necessity, I mean, not only that an expenditure should be proved to be for a desirable cause, but that there also exists the machinery by which to give effect to what it is deemed necessary to undertake. One must very carefully examine matters from this point of view, before one can agree to the imposition of this tax at this time. It is usual in bringing forward a tax proposal to outline a scheme of development and to give an estimate of the expenditure necessary in carrying out the scheme, but the Government have not so far done anything of the kind. They have so far confined themselves merely to a repetition of generalities. To say that they require the money for "works which will go to alleviate the sufferings of humanity," as the Chief Minister put it in a speech during the last Budget Session, is to say nothing. The Finance Minister also vaguely hinted in the Statement of Objects and Reasons of the present Bill that the money was necessary "to maintain the natural development of the programme of nation-building activities already in progress and for the purpose of financing the further beneficent schemes for the economic improvement of the province."

The Hon'ble Finance Minister in his statement before the House yesterday gave a catalogue of the various requirements of the province —primary education, irrigation, canals and waterways, dispensaries, improvement of agriculture, co-operative credit societies, proper functioning of the Agricultural Department and what not. He also stated that the per capita expenditure in Bengal on education was much lower than that of Bombay, the Punjab and Madras. From this he assumes that the necessity for new taxation would be readily admitted. To argue from the stupendousness of problem the necessity for specific measures of taxation is something really novel. Such a plea might do in a war emergency when money is needed to carry on war, but for normal work this could never serve as a justification for any particular tax measure. None would deny that money is necessary for the solution of the stupendous problems before us, but the reiteration of the problems is not their solution, and the question of finding the money can only come when concrete schemes for their solution have been prepared and the machinery has been thought out that would set the schemes in operation, once the necessary funds are found. Are the Government ready with the details of the work and estimates of expenditure necessary at each of the different stages of the schemes? Do they seriously think or suggest that during the one year that now remains to them they can implement so many beneficent schemes and to such an extent that they would require as much as Rs. 2 crores annually? Does their past record at all bear out such an expectation —a past that is replete with instances in which they have failed to

use up even the small sums they provided for this particular matter or that? Any connected scheme or a comprehensive plan worked out in various stages is conspicuous by its absence in all the records of the Government's activities up to this time. Mere generalisations can never be a sufficient plea for imposing specific taxes. The Hon'ble Chief Minister said the other day in regard to the improvement of the prices of jute that his Government would do for this all that was "humanly possible." Sir, it is difficult to be satisfied with that sort of assurance in any matter. Human possibilities or rather human capabilities differ with different individuals and in different situations. What is possible in a Roosevelt may not be possble in a Bengal Minister in the first Ministry under the new Reforms. Instead of vague general assurances, which hardly provide any basis for judgment, what we must have are concrete facts and details as to what those who run this Government consider it humanly possible for them to do in regard to the different problems and what exactly they think they are capable of doing in any stated period and how much expenditure they would require to make for doing it. If, for example, they are only capable of executing a scheme that would cost Rs. 20 lakhs annually, what use would it be to ask our consent to support a scheme worth Rs 2 crores annually?

Even the Hon'ble Finance Minister himself does not appear to be sure of his ground. In his statement he has practically admitted that there were no schemes formed and ready, which could be immediately put through on the provision of funds. He has, however, assured the House that every rupee of the money raised is to be spent on beneficent schemes, if and when made, and if it cannot be so spent, he would keep it in a chest locked tight. This, I think, according to correct budgetary canons, is a preposterous demand. Modern tendencies in budgeting are, if necessary, to budget for a deficit and to look upon a budget not as an annual affair, but as a long period financial plan. It would have been better if the Hon'ble Minister could provide for actual schemes and keep the Budget at a deficit which at a later stage he might balance by resort to taxation, if need be.

The Hon'ble Finance Minister has assured us that so long as he is at the helm of affairs in the Finance Department, all schemes of expenditure would be strictly scrutinised. Though I know that the Hon'ble Mr. Suhrawardy will do his level best, the House cannot be satisfied with an assurance like this. We have seen financial control gradually getting laxer and laxer every day; we have seen lump provisions being made too freely and the Public Accounts Committee's report shows cases of wasteful or unauthorised expenditure in abundance, even when there has been a dearth of revenues. May I ask the Hon'ble Minister whether he has retained the original power of scrutiny of the Finance Department over all expenditure? Shall I be incorrect if I

say that already the Finance Department has agreed to forego the right of scrutiny over a good portion of the expenditure of the Education Department? The Finance Minister is, after all, one of the many Ministers in the Cabinet, and his attitude alone cannot obviously be the deciding factor in governmental administration.

There is also a serious risk attendant on collecting a large levy without first formulating clearly and in details a programme of expenditure. The existence of a large revenue surplus in itself is likely to lead to laxity in control. When the money is there, it would naturally be difficult to resist the clamourous demands of the supporters of the Ministry, even though the demands may in many cases be unreasonable. A temptation, thus, is constantly there to waste the money on non-essential schemes, on doles, etc., according to the bias of particular departments. In saying this, I do not intend to put any blame on the Hon'ble Mr. Suhrawardy. What I am apprehending is only human nature to do, and I do not think Mr. Suhrawardy will claim to be superhuman.

As the coming year will precede the year when the next general election is due, such laxity in control is all the more to be apprehended. Full and proper value for the money spent is, in such circumstances, not likely to be obtained. The purpose of an expenditure may be good, but that by itself is not sufficient. Unless the pros and cons of an expenditure are very carefully weighed before the expenditure is made, the desired result may often not be obtained. I may cite as an instance the recent purchase of jute by the Government. The Government spent a large sum on this purchase, and they were apparently inspired by a laudable object in undertaking this expenditure. But there is likely to be substantial loss to the Government in this transaction and the object of the expenditure has not also been achieved. The House ought to know by this time that national uplift is not ensured by the urgency of its need, and merely by placing money in the hands of the Government. There is a third essential element—the limitations of time, capacity and efficiency.

Considering the matter from all aspects, I strongly feel that we are at present faced with no compelling necessity which would justify the Government's introducing such a huge measure of taxation. During the short time that remains to them this Government can, I think, very well obtain the necessary funds with the help of tax measures which are more equitable and less upsetting, such as I mentioned in my last Budget Speech, *e.g.*, tax on monopolies, tax on foreign liquor up to the Bombay level, and one or two other similar measures, and I believe with the help of these measures the Government can easily obtain the necessary revenue of Rs. 20 to Rs. 25 lakhs which they can spend in a year. If the Hon'ble the Finance Minister should, however, still be determined to have a sales tax, I would advise him to proceed

cautiously. Let him start with the exemptions list extended and with a rate lower than that provided for in the Bill. The effect on trade and commerce will be less with a lower rate, and if the exemptions list be extended, there would be relief to the poorer people and to the infant and cottage industries. The rate, moreover, should be fixed at the time of the next Budget, when the exact extent of the Government's requirement would be more clearly ascertainable. The conditions suggested by Mr. Sassoon, on behalf of British commerce, should also be generally accepted.

I would now like to refer to an important implication of the provisions of the Bill.

(At this stage the member reached his time-limit, but was allowed to conclude his speech.)

One serious objection to the Bill is that some of its provisions would seem to strike small industries with a heavy hand, although it is now admitted on all hands that Bengal's small industries stand in great need of help and succour. The Bill creates so many discriminations against them that I wonder whether the Finance Minister has adopted them with full knowledge. Apparently, the House is told that the raw materials of industry will be exempt. This is only a half-truth. The raw materials of the big industries only will be exempt. The tax will fall at full rates on the raw materials of the small industries including cottage industries, and this will create a discrimination against them which might altogether threaten their existence. The cottage industries or the small industries will not be registered, as their turnover will mostly be below Rs. 20,000. They will, therefore, not be entitled to buy their raw materials tax-free, while big industries will be able to do so. Secondly, the cottage industries operate mostly in rural areas and buy their raw materials from dealers who may not often be registered dealers. In that case, the raw materials will have been taxed at an earlier stage and will increase in price. This will raise the cost of production of smaller industries, including the cottage industries, while the cost of production of big industries will remain unaffected. An example will make this clear. Assume that a big retail store buys both handloom cloths and mill-made cloth for sale to consumers and is a registered dealer. The weavers who are small men and often buy their yarn from small men will not be registered and the tax will therefore raise the cost of their yarn. The mills, on the other hand, being registered dealers will be able to buy their yarn tax-free. Assume, further, that before the levy of the tax a pair of cloth, whether mill-made or hand-woven, can be sold by the mill or the weaver at Rs. 5 to this retail store. The proposed tax will not raise the cost of the mill. So, after the tax the mill-made cloth will be sold to the retail store at Rs. 5, but the hand-woven cloth cannot be sold for less

than, say, Rs. 5-1. When the retail store again will sell to the consumer, it will charge Rs. 5+2 per cent. on it for the mill-made cloth, but Rs. 5-1+2 per cent. for the hand-woven cloth. Such a discriminatory tax is sure to put into serious difficulty the hand-loom industry, which the Government at present is trying in many ways to help and resuscitate. So also the *bidi* makers of Bengal will be threatened with similar difficulties and may be crushed out of existence. The smaller *bidi* makers cannot buy their leaves and tobacco from outside the province and hence they will be taxed. The cost of production will rise, and they will be faced with serious competetion from *bidis* imported from outside Bengal. This will happen in respect of many other small industries.

The tax discriminates against smaller industries in certain other ways also:—

(1) Fuel and lubricating oils will not be taxed when sold to an owner of a factory registered under the Factories Act, but will be taxed when sold to the owner of a smaller factory.

(2) A registered dealer will not be taxed on the sale of goods despatched to an address outside Bengal. But a smaller man who is not registered will be taxed on the sale of goods even if despatched to an address outside Bengal.

(3) A registered dealer will get refunds on sales already taxed, but the price of which proves to be bad debts. A smaller man, however, will not get any such refund, and will be taxed on the credit sale of things even though the price proves to be bad debts.

There are one or two other defects in the Bill which, it is essential, should be remedied. For example, section 5 (*3*) (*b*) gives very large powers to the assessing authority which may be misused. There is the danger of arbitrariness against which there is no remedy or appeal. Again section 23 (*2*) (*a*), (*b*) and (*c*) relating to rule-making gives the sole rule-making power to the Government. It is essential that at least certain directions should be given in the Bill itself as to the lines in which the rule-making power may be exercised, otherwise the power may be misused or used arbitrarily.

I hope that if the Finance Minister should still decide to persist with the Bill, he would give his serious consideration to the points relating to small and cottage industries and small dealers as well as the points I have raised regarding some of the other sections of the Bill and try to remedy these obvious defects.

Before I close I wish to congratulate Mr. Sassoon for his speech expressing the attitude of his party in regard to this Bill. His discussion has been a very rational basis and he has examined the Bill

by a marshalling of the facts both for and against. It is very rarely that the representatives of British commerce give expression to their views in such a very reasonable manner. If the group to which Mr. Sassoon belongs will adopt such a rational and critical attitude on all important questions, they can, I feel, make material contribution towards putting a healthy check on the blind zeal and exuberance, however well-intentioned, which has unfortunately characterised many an activity of the present Government to the detriment of the real interests of the province. I only hope that the firm spirit in which Mr. Sassoon spoke on this Bill will be kept up till the end and will not be given up for any extraneous circumstances.

Mr. C. GRIFFITHS: Sir, may I speak for a few minutes?

Mr. SPEAKER: But there are speakers from yesterday who want to speak.

Mr. C. GRIFFITHS: I shall take only three minutes.

Mr. SPEAKER: Not now. I shall see later on.

Mr. M. SHAMSUDDIN AHMED: Sir, the introduction of this Bill has created a great stir in this House. Before I go into a detailed discussion about the principles of the Bill I should, at the very outset, speak a few words in refutation of what the Hon'ble Mr. Suhrawardy, the Labour-*cum*-Finance Minister, has spoken in this House. I know that he is habituated to using flippant and frivolous expressions time and often. But I never expected that in introducing a very serious measure in this House he would refer to this side of the House in such a manner. May I tell him that he referred to us as "*Praja-daradis* and *Praja-bandhus*"? (The Hon'ble Mr. H. S. SUHRAWARDY: No, no. I said "alleged *Praja-daradis*.") May I tell him that we are not *Praja-daradis* or *Praja-bandhus*, but we are *Prajas* or peasants and represent the cause of the peasants and in order to effectually carry out the programme of our party we will not stop short of any sacrifice. My friend is a "*daradi*"; he was a labour *daradi* before he came to this Assembly. We knew him to be a labour *daradi* who used to break up labour unions. Here also as Labour Minister he is trying to break up labour unions.

There is another thing that he has said. He has said that the majority of the members of the House is behind him and therefore it will be easy for him to bring any measure into the House and pass it. If the Hon'ble Minister does this without looking into the real position, without really knowing the expediency or without thinking whether it will do any real benefit to the people, only because the majority is

behind him, then that will take away the whole case from him. As regards majority or minority, I may cite what King Henry V said. He said that "to-day they may make me king and to-morrow they may pull me down." The Hon'ble Minister will have to face the electorate. Nobody knows who will stand. It reminds me of Marshal Petain's lamentable expression. He said, "When the French people built the Maginot line, they thought that under the protection of that line they would be able to ward off any action of German invasion. They forgot the military preparation of Hitler." What I want to say is that the present majority may not stand. It may be converted into a minority or to nothing hereafter.

As regards the details of the Bill, my friend on this side of the House, I mean the ex-Finance Minister, Mr. Nalini Ranjan Sarker, has dealt with all the cases threadbare. I do not want to go again into those details. In the Statement of Objects and Reasons the Hon'ble Minister in charge has said, "The present resources of the Government of Bengal are not sufficient to enable them to maintain the natural development of the programme of nation-building activities already in progress, and, for the purpose of financing the further beneficent schemes for the economic improvement of the people, additional revenues are essential." May I know what is the planned programme of nation-building which the Ministry, or for the matter of that, any Finance Minister has placed before this House? What is the programme we do not know yet. Let me see what is the condition of the masses of Bengal. I find that people are dying in thousands of malaria. Although the Government are trying to improve nation-building activities, they cannot give any relief to the malaria-stricken people. They cannot give actual price to the cultivators for jute. The cultivators have grown jute, but they are not getting the actual price. In West Bengal the paddy crop has failed and famine is staring in the face of the cultivators. In the face of the serious international situation that is now prevailing, new reconstructions are going on automatically everywhere, but we do not know whether reconstruction will take place here also.

Sir, Mr. Suhrawardy has referred to section 207 of the Floud Commission Report. I am sorry, he has not looked to section 208. He has referred to agriculture. He would perhaps say that the Agriculture Department ought to be improved. But I may tell him that the 17 lakhs that are granted every year to the Agriculture Department is not sufficient to cope with the situation; 27 lakhs are necessary. Has he not read section 208 where the Commission has mercilessly criticised the departmental control? You would not try to curtail the expenditure of the department, you would not curtail expenditure on the police, you would not tax the high-salaried officials, but you will try to put

a tax on sales of goods which will ultimately touch the pockets of the consumers. I would not have minded if Mr. Suhrawardy would have come out with a Bill to impose taxation on the jute mill-owners who take away crores of rupees after meeting all the expenses. I would not have minded if he had taxed all the big merchants who export goods from this country and make huge profits every year. But instead of that I find that in the name of nation-building departments, in the name of efficiency of administration he brings forward measures which ultimately touch the pockets of the poor people. Sir, to-day not only on account of the international situation but also on account of the failure of crops and other reasons the situation in this country is very gloomy. I do not know at this stage what he has thought. If he has thought that for the future election campaign money is necessary, men are necessary, well, he has got thousands of men under the reconstruction scheme, he has got hundreds of men under the labour scheme, he has already got hundreds of men under the jute regulation scheme. Add to that several lakhs which he will spend on a Commission he will appoint for deciding disptues between the parties, and the Finance Minister might ultimately be the supreme authority. We knew Mr. Suhrawardy to be a great Khilafat worker when the Turks fought the battle for the Khilafat. We went to jail for Khilafat but we did not see Mr. Suhrawardy there. But now that the Khilafat is gone after Mustafa Kemal has abolished it, my friend Mr. Suhrawardy comes as a labour leader. Then he comes to the Assembly and becomes the Labour Minister. Then he has come to hold the portfolio of Finance and he has money to the full in his pocket. He would perhaps say, "Don't mind. Give me the money and as custodian of you all I will keep the money quite safe." But I tell him that it is not his money or my money, it is the blood of the poor people of this province. Therefore, the Hon'ble Finance Minister is not the custodian; it is the people who are the custodian. We do not confide in him as we know how he has spent the money. We do not want his assurance. We want to know definitely if he has got any planned programme of reconstruction. Had he been sleeping all these four years and at the fag-end of the term of office, he has come forward with this Bill saying "give me money and I will keep it safe and not spend it on useless things"? All the accusations that were flung at his face last night I am not going to repeat, but the fact remains that he has misspent money, he has misused money—I will not say, he has misappropriated money—but he has misused and misspent it. That is a fact. Therefore, we are not going to be deceived by whatever he may say on the present occasion. But all the same, we want to know where we stand. Sir, may I say in all humility that this is not the occasion to bring forward this measure——

(At this stage, the blue light was switched on.)

Sir, I will not take much time. I do not like to inflict a long speech on this House. May I request the Hon'ble Mr. Suhrawardy and also my friends of the Coalition Party to put their heads together? (Laughter from the Coalition Party.) This is not a matter of joke. I would request Mr. Abul Hashim to be more serious on this matter. In his district, famine is staring in the face and in other districts also famine is staring in the face. I would request him to go to the countryside; I would request the Hon'ble Mr. Suhrawardy to go to the countryside and see how the situation stands. So, Sir, this is not the time to bring forward a Bill of this nature. Let this war be over and let us see what reconstruction takes place after the war and then if he continues to be the Finance Minister, he may bring forward such a Bill for promoting nation-building activities. Therefore, may I appeal to him to drop the measure at the present moment? If he does not agree to that, let us hope he would at least agree to circulation of the Bill. Let us know the opinion of the people of the country. We will then be in a position to know where we stand. We will then find out who are the real *Praja-bandhus* and *Praja-daradis*!

Sir, with these words, I support the circulation motion, and, I hope, the Hon'ble Finance Minister will take it into his head to accept it.

Mr. ATUL CHANDRA SEN: Mr. Speaker, Sir, ever since I came to this House, I have wondered—very much wondered—why this Government which claims to be called popular fights shy of consulting public opinion on measures brought forward in this House. Not very long ago, we witnessed the spectacle of the Hon'ble Chief Minister who is also the Education Minister fighting tooth and nail on a very simple proposition, namely, that the Secondary Education Bill be circulated for eliciting public opinion thereon. The Hon'ble Chief Minister at that time said like Louis XIV, "No, I do not care. My opinion is the opinion of the people." And to-day, the Hon'ble Finance Minister is very faithfully following the footsteps of his mighty chief. He is also not prepared to circulate his Bill for eliciting public opinion. I really wonder what may be the reason of this categorical refusal of a simple request. Is it because we, the members of this House, are the elected representatives of the people and therefore we are competent enough to judge a measure by ourselves? Sir, I do not think that the people, having elected us as their representatives in this House, have stipulated for ever not to express any opinion on a measure of Government. I think, they have not given us unfettered discretion for bungling. Or, secondly, is it because the proposed measure is so simple, so faultless, and so much beyond controversy that any eliciting of public opinion is a mere superfluity? I am sure that the Hon'ble Finance Minister himself does not think like that. The Hon'ble Finance Minister while introducing his Bill yesterday on the floor of the House began like the proverbial advocate arguing a bad case

by attacking and ridiculing the opposition in a manner that showed as much nervousness as petulance. Having bungled and mismanaged the finances of the province in a most reckless and light-hearted manner and having thus landed the Government in a financial impasse, the Finance Minister to-day at the fag-end of the year has come forward with a Finance Bill of a most astounding nature in order to get out of this impasse. But to our misfortune as well as to the misfortune of the Hon'ble Finance Minister, the Hon'ble Finance Minister neither in the Statement of Objects and Reasons of the Bill nor in the introductory speech which he made yesterday has made out any case, any strong case, in regard to the immediate necessity of this taxation measure.

Sir, the Hon'ble Finance Minister in the first place has not cared to take the public into his confidence as to the present financial position of the Government to-day, the only piece of information available to the public so far being a statement which he was pleased to make in the last Session of the Bengal Legislative Assembly, namely, that the Government would close this year probably with a deficit of more than Rs. 1 crore. In the second place, the Hon'ble Finance Minister has not disclosed to us any financial plan, if he has any financial plan at all, beyond holding out occasional threats that he may have to impose new taxes for bringing a new behest of financial prosperity and happiness in the land under his regime. In the third place in his introductory speech he has given us a formidable catalogue of beneficent schemes which he might work out by imposing fresh taxes. But he has not cared to enquire whether some of these schemes, good schemes undoubtedly, could be worked out even with the existing resources of the Government by effecting economy in certain departments of the Government where money is being lavishly spent to-day. In the fourth place, the Hon'ble Finance Minister in choosing this particular time for the introduction of the Bill evidently has shut his eye to the grave economic situation through which the province is passing to-day owing to the war. The Hon'ble Finance Minister pretends not to know that the consumers who will be very hard hit on his own admission by this taxation measure—both Paul and Peter whom he is going to rob—are already on the verge of ruin and any fresh taxation, if imposed on them, will mean utter ruin. Sir, I warn the Hon'ble Finance Minister in all solemnity, he must not be reckless. He must think and ponder what he is going to do for the province. And then, Sir, there is the question how this taxation measure will affect the trade and industry in the province. It has got to be remembered that this province economically has not benefited by the war practically no war orders having gone to the Indian businessmen of the province. It has again got to be remembered that the low level of raw jute prices in the province has very badly affected the buying capacity of the people, and any further taxation will affect it still more. This, Sir,

will mean a death blow to the existing industries which are already in a moribund condition and a setback to the starting of new industries in the province. This is surely not a very happy prospect which the Hon'ble the Finance Minister is holding before us in this new Finance Bill. These are some of the questions which have got to be carefully considered before one can give one's consent to this Bill. These questions can rightly and well be considered in the light of public opinion focussed on them, and therefore I beg to submit that the only proper thing for the Hon'ble the Finance Minister would be yet to persuade himself to circulate this Bill for public opinion as demanded in the motion for circulation.

Mr. ATUL KRISHNA GHOSE: Sir, in the present state of my health it would neither be possible for me to deliver my speech properly nor to go into the question thoroughly and fully, but in view of the pernicious character of this measure I consider it my bounden duty to give expression to the feelings that have been stirring the whole country against this Bill. Sir, I propose only to pick up a few points raised by the Hon'ble the Finance Minister. The Hon'ble the Finance Minister in the concluding portion of his speech,—if it is at all a speech,—has said: "I repeat therefore that none of the provisions of this Bill need cause dealers any fear of harassment." May I know since when the Hon'ble the Finance Minister has become the dealers' *darada*? He has been used to cast a fling at others saying that they were *Praja daradis*: may I therefore ask, Sir, how long has the Hon'ble the Finance Minister acquired a *darad* (fondness) for the dealers, and is this the specimen of *darad* that he is manifesting towards the dealers of Bengal? I do not want to speak in a bitter language or to criticise him in a language which may hurt him personally. But I cannot ignore the economic aspect of this Bill which is going to bring disaster all over Bengal. If he had studied the economic problems of Bengal I am sure his brain could never have produced such a pernicious Bill. When the Hon'ble the Finance Minister says that the dealers need not have any anxiety to be harassed, will he give an answer as to whose concern it is—who are going to be harassed by this taxation measure? Are not the consumers, the tenants, the middle-class people going to be harassed by this measure?

A question that I would ask in connection with this Bill is—What will be the financial position of Government in the course of the next few months? Everybody knows that the Hon'ble the Finance Minister for some time represented the labouring classes, but by this taxation measure the poor labouring classes and tenants are going to be subjected to a fresh burden of taxation.

Then, Sir, only a few days ago I saw from a newspaper report that a regiment of Bengal Ministers had been to Delhi for some financial help to control the price of jute in Bengal. I do not know whether

that newspaper report was correct, but it gave us to understand that, if the Hon'ble Ministers could not bring the financial help, they would tender their resignation. For Bengal it would have been a great boon if the Ministers had resigned on that issue. The Central Government has not sanctioned any money whatsoever. The Ministers were at liberty to tender their resignation, but we find no indication whatever of that. When the peasants of Bengal are not getting any price worth the name against their production of jute, when the tenants of Bengal are suffering from malaria, when the tenants of Bengal are not in a position to purchase medicines, at this juncture the Hon'ble the Finance Minister brings in a Bill which will at once murder the people and trade of Bengal. (Cries of "Oh! oh!" by the Hon'ble Mr H. S. Suhrawardy.)

Mr. Deputy Speaker, Sir, I would like to draw your attention to the fact that the taxation problem in Bengal during the last four years is not a new one. This Government has taxed the people several times. This Government has had the benefit of getting a huge amount of the jute export duty. What did they do with that money? Have they spent anything out of that amount for the nation-building departments? The jute export duty amounts to several crores of rupees. Has a single farthing of that amount been spent for agricultural purposes or for the primary education of the people? And now in the name of the nation-building department, in the name of other beneficent measures, the Hon'ble Mr. Suhrawardy wants to tax us afresh! This is abominable. Anyway, since I have no more time at my disposal, I would like to draw the attention of the Hon'ble the Finance Minister that he is bringing in a Bill which will be a death-knell to the Government itself, and as such I cry halt to the present Government when there is still time for a halt.

With these words, Sir, I support the circulation motion so ably moved by my esteemed friend Mr. Abu Hossain Sarkar.

Maulvi IDRIS AHMED MIA: ডেপুটি স্পীকার মহোদয়, আমাকে এই উপলক্ষে দশ মিনিটকাল বলবার জন্য সময় দেওয়ায় আমি আপনাকে ধন্যবাদ জানাচ্ছি। আমাদের দলের যারা সময় দেবার কর্ত্তা তাঁদের অনুগ্রহে এক বৎসর যাবৎ আমাকে কিছুই বলবার সুযোগ দেওয়া হয় নাই, আজ এই সুযোগ পেয়ে আমি ধন্যবাদ না জানিয়ে পারছিনে।

এখন কথা হোচ্ছে এই যে, খরিদ বিক্রীর উপর যে নূতন ট্যাক্সের প্রস্তাবটা এসেছে, এসম্বন্ধে আমাদের দেশের লোকের আর ট্যাক্স দেবার ক্ষমতা আছে কিনা সেইটে প্রথমে অনুসন্ধান কোরে দেখ্‌তে হবে। দ্বিতীয়তঃ সেই ট্যাক্স দেওয়া উচিত কিনা; এবং তৃতীয়তঃ যদি দেওয়া উচিত হয় তবে সেটা কি কাজে খরচ হবে। এই তিনটে দিক বিবেচনা কোরে দেখতে আমি আপনাদের অনুরোধ কোরছি। আমরা দেশহিতকর কি কাজ আরম্ভ কোরেছিলাম এবং সে কাজে কতদূর এগিয়েছি, সেকথা আলোচনা করবার

এখন সময় নয়। কিন্তু একটা কথা এখানে আমরা সকলেই জানি যে ভারত গভর্ণমেণ্টকে বছর বছর ৬০ লক্ষের দরুণ আমাদের যে ৮ কোটি টাকা দিতে হতো ১৯৩৭ সালে সেটা থেকে তাঁরা আমাদের রেহাই দিয়েছিলেন। তা ছাড়া পাটের আয় থেকে প্রায় দেড়কোটি দুকোটি টাকা ইণ্ডিয়া গভর্ণমেণ্টের কাছ থেকে প্রথম কয়েক বছর আমরা পেয়েছি, এ পাওয়া সত্বেও আমরা দেশে আজও primary education (প্রাথমিক শিক্ষা) বিস্তার কোরতে পারি নাই। এটা আমাদের গভর্ণমেণ্টের পক্ষে, cabinetএর পক্ষে এবং বিশেষ কোরে আমাদের দলের পক্ষে লজ্জার কথা।

আমরা জাতিগঠণের কার্য্যে টাকা খরচ কোরবো, এই হোচ্চে গোড়ার কথা। এখন এই জাতিগঠণের ভিতর অনেক কিছু পড়ে। আমরা দেখেছি গ্রামের উন্নতির নামে অনেকগুলি এমন টাউনে যেখানে মিউনিসিপ্যালিটি নাই, সেই রকম জায়গায় কতকগুলি footballএর field কোরে দেওয়া হোয়েছে। এও হলো একটা জাতিগঠণের কাজ। কারণ football না খেল্লে জাতি বড় হয় না। জাতিগঠণের আর একটা কাজ হোচ্চে জল সরবরাহ। সে সম্বন্ধে আমার যতদূর জানা আছে তাতে দেখেছি যে কালেক্টর বা District Magistrate পক্ষে Circle Officerরা যা ইচ্ছা করেন তাই হোয়ে থাকে। সে ক্ষেত্রে M.L.A.দের পর্য্যন্ত কিছুমাত্র জানবার উপায় নেই। আমি এই ব্যাপারে একটু সংশ্লিষ্ট আছি, কিন্তু কর্ত্তারা আমাকে উপস্থিত হবার সুযোগ দিতে রাজী নন, এবং আমাদের এড়িয়ে চলার বিষয়ে তাঁরা এতদূর কৌশলী যে আমাকে এড়ানোর দরুন যখন আমি কলিকাতায় আস্‌বো তখনই তাঁরা meeting কোরে বসেন, যাতে প্রায়ই আমি উপস্থিত না হোতে পারি। তারপর যে দু'চারটে ইন্দারা টিউব্‌ওয়েলের ব্যবস্থা আছে তাও অনেক সময় অনুগত বড় লোকেরাই পেয়ে থাকেন। আমাদের বাড়ীর কাছে একজন বড় লোক—তিনি ছিলেন প্রেসিডেণ্ট—গভর্ণমেণ্টের টাকায় একটা ইন্দারা ও একটা টিউব্‌ওয়েল্ এই দুটো জিনিষ তাঁর বাড়ীর দুদিকে কোরে নিয়েছেন এ আমি আপনাদিগকে দেখিয়ে দিতে পারি। ওদিকে তাঁর বাৎসরিক আয় প্রায় দুই হাজার টাকা। তিনি অনায়াসেই নিজের টাকায় টিউব্‌ওয়েল্ বা ইন্দারা দিতে পার্‌তেন তথাপি দিয়েছেন গভর্ণমেণ্টের টাকায়। এইরকমভাবেই আমরা জাতীয় উন্নতি কোর্‌ছি। এইভাবে কেমন কোরে হোচ্চে জাতিগঠণের কাজ আমরা বুঝি না। দেশকে মুর্খ রেখে আহাম্মক কোরে রেখে—আমরা জাতিগঠণ কি কোরে কোরবো—সে আমি বুঝ্‌তে পারি না। জাতিগঠণ মানেই হোচ্চে লোকের মন গঠণ, প্রত্যেক ব্যক্তির মনের উন্নতি না হোলে জাতির উন্নতি হোতে পারে না। এবং সেটা কোরতে হোলে প্রাইমারী এডুকেশন বিস্তারের ব্যবস্থা আগে অবলম্বন করা দরকার। যদি আমাদের মাননীয় অর্থ সচীব একথা বলেন যে এই দুকোটি টাকা শুধু primary educationএর জন্য খরচ কোরবো,—এক ফার্দিংও অন্য কাজে খরচ কোরবো না, তা হোলে এ বিলে আমরা বরং সমর্থন দিতে পারি। বাজে কথা বোলে জাতিগঠণের নাম কোরে নিজের মনের মতন লোকের ভিতর টাকা বিতরণের ব্যবস্থা আর propaganda চালাবেন এ সবের মধ্যে আমরা নেই। (Shouts from the Krishak-proja Group: Excellent!) মাননীয় স্পীকার মহোদয়, আমি আর একটা কথা বোল্‌তে চাই,—আমরা

এই হাউসের ২৫০ জন মেম্বার সকলেই জানি যে আমাদের গভর্ণমেণ্ট কোন কোন সময় একটা মক্তবের জন্যও দশ হাজার টাকা grant দিয়েছেন। কিন্তু দুঃখের বিষয় বাংলার সব চেয়ে backward district মালদহে বহু বাধা বিঘ্নের পর যে একটা কলেজ করেছি তার জন্য গভর্ণমেণ্টের নিকট সাহায্য প্রার্থনা করা হোয়েছিল। গভর্ণমেণ্ট ও স্বয়ং প্রধান মন্ত্রী নানা সময় নানাভাবে তা দিতে চেয়েছিলেন কিন্তু কলেজ মঞ্জুরির চিঠিতে লেখেন যে সে বাবদ এই বৎসর কিছু খরচ করা হবে না। (A MEMBER: চেপে ধরুন Finance Ministerকে।) মাননীয় সভাপতি মহোদয়, আমার আর একটা কথা এই আজ এখানে আমি আমাদের মাননীয় প্রধান মন্ত্রী মহোদয়ের জীবনী আলোচনা কোরবো না। আমি তাঁর লেখা পড়ি, তাঁর বক্তৃতার অনেক অংশ আমার মনে আছে; সেগুলি পোড়ে আমার সময় সময় দুঃখ হয়। উনি কি সেই ফজ্‌লুল হক? যে ফজ্‌লুল হককে বাংলাদেশের সবাই জান্‌তো উদারচেতা; দরিদ্রের বন্ধু বোলে, দেশের দুঃখমোচনে যিনি ছিলেন একজন অক্লান্ত কর্ম্মী এবং যিনি একদিন বলেছিলেন সুযোগ পেলে আমি Writer's Buildingটা ভেঙ্গে নূতন কোরে গোড়ে তুল্‌বো। আজ এখানে যাঁকে দেখ্‌ছি তিনি কি সেই ফজ্‌লুল হক। তবে এখনো আমাদেব সান্তনা আছে যে তিনি সময় সময় ভুল কোর্‌লেও তার জন্য পরিতাপ করেন এবং সে ভুল সংশোধনের জন্য চেষ্টা করেন। আশা করি তিনি তাঁর ভুল সংশোধন কোরবেন এবং এক বৎসরের মধ্যে বাংলার সর্ব্বত্র প্রাথমিক শিক্ষা বিস্তার কোরবেন।

এখন আমাদের কোয়ালিশন দলের নিকট বক্তব্য এই যে আমাদের সর্ব্বদা বিশেষভাবে মনে রাখ্‌তে হবে যে বাংলার ধন প্রাণ লুটপাট করবার জন্য আমরা এখানে আসি নি, তাদের রক্ষা করবার জন্যই এসেছি। তাই যদি হয়, আমাদের আজ বিশেষভাবে দেশের আর্থিক অবস্থার প্রতি দৃষ্টি রেখে, তাদের দেবার সামর্থ্য আছে কিনা সে বিষয়ে বিশেষরূপ অনুধাবন কোরে তারপর এরকম একটা taxation এর প্রস্তাবে সম্মত হওয়া উচিত। অর্থসচিব মহাশয় বোলেছেন—লোকে যে জিনিষের দাম বারো আনা দিতো, সেখানে তার দাম সোয়া বারো আনা দেবে। তাঁর কাছে একটা পয়সা তাচ্ছিল্যের বিষয় হোতে পারে, কিন্তু যে লোক দু আনায় এক বোতল কেরোসিন কেনে তাকে অনেক কষ্টে আট পয়সার জায়গায় নয় পয়সা দিতে হবে। দোকানদাররা গরীব লোকেদের কাছে বারো আনার কাপড় চৌদ্দ আনায় বিক্রয় কোরবে। গত যুদ্ধের সময়ও এটা আমরা দেখেছি। আজ সেই জন্য আমার বন্ধুবর্গদের—আমার দলের লোকদের নিকট নিবেদন, একবার গরীবের হোয়ে চিন্তা কোরে দেখুন। এক একজন মন্ত্রীর খোস্‌ খেয়াল বা খাম খেয়াল পূর্ণ করবার জন্য আমরা এখানে আসি নাই—এসেছি বাংলার ৫ কোটি নর নারীর স্বার্থ রক্ষা করবার জন্য।

আর একটা কথা আমি আপনাদের চিন্তা কোরে দেখ্‌তে বোল্‌ছি। বাংলাদেশের ৫ কোটি লোকের ভিতর যদি ৪ কোটি লোকের মধ্য হোতে এই ২ কোটি টাকা তোলা হয়, তাহ'লে মাথাপিছু আট আনা কোরে দিতে হবে। বরং ধনীরা এ ট্যাক্সের কষ্ট থেকে রেহাই পাবে কিন্তু গরীবেরা মরতে বাধ্য হবে। যে গরীব গৃহস্থের সংসারে ৮টী লোক তাকে মাথাপিছু আট আনা হিসাবে চার টাকা দিতে হবে। এদিকে দেশে তেমন

•ফসল হয় নি তার উপর পাটের দাম ২ টাকা ২।০ টাকায় নেবেছে—(A MEMBER OF THE COALITION PARTY: চার টাকা বলুন।) যাঁরা বলেন যে মফসলে পাটের দাম দু টাকা নয়, চার টাকা, আমি তাদের challenge দিচ্ছি—আমাদের জেলায় ২।০ টাকা মণ দরে ২০ হাজার মণ পাট ২৪ ঘণ্টার ভিতর আমি কিনে দিতে পারি। আমরা বাংলার প্রজাদের পাট বিক্রয় কোরতে নিষেধ কোরেছি,—গভর্ণমেণ্টের কথায় আজকে রাস্তায় দেখা হ'লে তারা বলে—পাট্‌তো বেচ্‌তে মানা কোরেছেন, ৩।৪ টাকা দরে, আর আজকে যে তিন টাকাও বিকোয় না। এর জবাব কি?

মাননীয় সভাপতি মহাশয়, আপনি একখানা বই লিখেছেন— Man behind the Plough. আমরা আজ আপনাকে আর একখানা বই লিখ্‌তে অনুরোধ কোরছি—Man before the Plough আজ না লিখ্‌লেও এ নিয়ে আপনাকে ভবিষ্যতে একখানা বই অবশ্যই লিখ্‌তে হবে কেন না আমরাই আগের সেই মানুষ। আমি আমাদের দলের বন্ধুগণকে আর একটা কথা বোল্‌ছি—ভূতপূর্ব্ব অর্থসচিব মাননীয় সরকার মহাশয় এই বোলে মন্ত্রিত্বে ইস্তাফা দিয়েছিলেন যে পূর্ব্বে কোয়ালিশন দলের লোকেরা মন্ত্রীদের কথা শুনে চোল্‌তো, আর এখন মন্ত্রীরাই দলের কথা শুনে চলেন। আবার এমন যেন না হয় যে আমরা তাঁদের কথায় ভাল কি মন্দ হবে কিছুই বিবেচনা না কোরে অন্ধের মত চোল্‌তে থাক্‌বো। আমরা সোয়াসো বা দেড়শো লোক একদলে যারা আছি তাঁদের সর্ব্বদা চিন্তা করা উচিত যে আমাদের দেশের গরীব জনসাধারণের আজ কি অবস্থা। তারা অনেকেই দুবেলা খেতে পায় না, রোগ হোলে ঔষধ পথ্য যোগার কোর্‌তে পারে না, জমিদারের খাজনা, রোড্ সেস্, education cess আদায়ের পর চৌকিদারী ট্যাক্স পর্য্যন্ত দিতে যারা আজ অপারগ হোয়ে উঠেছে সেই লোকেদের উপর আবার নূতন কোরে ট্যাক্সের বোঝা চাপান হয় তবে কি কোরে কোথা থেকে তারা আট টাকা, দশ টাকা কোরে দেবে? তাও না হয় মোরে বেচে দিতে পারা যেতো যদি গভর্ণমেণ্ট পক্ষ থেকে একটা কাজের মতন কাজ করার প্রতিশ্রুতি আমরা পেতাম। মন্ত্রীরা খাম খেয়াল মতন যা তা একটা ট্যাক্স বসাবেন আর দেশের লোকের প্রাণপাত কোরে সেটা দিতে হবে—এই সব যদি আমরা অনুমোদন করি তাহোলে দেশের লোক আমাদের পথে হাটে মাঠে সর্ব্বত্র আমাদের গালাগালি দেবে।

আমার আর বলবার বিশেষ সময় নাই। সভাপতি মহাশয়, মাননীয় প্রধান মন্ত্রী আজ এখানে উপস্থিত আছেন শুধু তাঁকে একটা কথা বল্‌বার আছে। নির্ব্বাচনের আগে তিনি ডাল ভাতের প্রতিজ্ঞা কোরেছিলেন। এখন আমরা তাঁর কাছে ডাল ভাত চাইলে তিনি শুধু আমাদের গরীবদের নুনভাতের যোগাড় কোরে দিন। তাহলে বুঝবো তিনি প্রধান মন্ত্রীর কাজ ভালোই চালিয়েছেন। দেশে যখন দুর্ভিক্ষ আসন্ন তখন কি ট্যাক্স ধার্য্য করার এটা উপযুক্ত সময়? আমাদের দেশে সায়েস্তা খাঁর আমলে টাকায় আট মণ চাল পাওয়া যেতো—এখন মণ প্রায় ৬৲ টাকা হওয়ায়—টাকায় আট সেরও পাওয়া যায় না। এটাকে কখনও normal condition বলা যায় না এইটা নিশ্চয়ই abnormal condition. আমার বন্ধু মিঃ খাজা সাহাবুদ্দিন পার্টিতে বলেছেন যে—

Mr. SPEAKER : You cannot say what was said in your party meeting.

Maulvi IDRIS AHMED MIA : চালের দর টাকায় ৮ সের হওয়ায় নাকি প্রজার পক্ষে ভাল হোয়েছে। যদি টাকায় দু সের দাঁড়ায় তাহলে বোধ হয় আরো ভালো হবে। তাই বোল্‌ছি দেশে আজ দুর্ভিক্ষ আসন্ন। ম্যালেরিয়ার প্রকোপ আজ এতটা বেড়েছে যে ডিষ্ট্রীক্ট বোর্ড বা গভর্ণমেণ্ট কারো কাছ থেকেই কুইনাইন্ পর্য্যন্ত পর্য্যাপ্তরূপে পাওয়া যাচ্ছে না, তাছাড়া অন্যান্য ব্যাধি ও কালাজ্বর তো লেগেই আছে। প্রজা যখন অনশন, অর্দ্ধাশন ও রোগের যন্ত্রণায় অস্থির তার যখন নুন ও ডাল চাল কিনে খাবার পয়সা নেই তখন তাদের নূতন কোরে ট্যাক্স দিতে বলা উচিত হবে কি না সেইটে আমি গরীব জনসাধারণের নির্ব্বাচিত প্রতিনিধিরূপে যারা এখানে এসেছেন তাঁদের বিশেষ কোরে ভেবে দেখ্‌তে অনুরোধ কোর্‌ছি। আমার আর কিছু বলার সময় নাই।

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, it has fallen to me to wind up the debate on this important measure on behalf of the Opposition, and I shall try to recapitulate some of the arguments advanced since yesterday on the proposed taxation measure and also draw the attention of the Hon'ble the Finance Minister to some of the theoretical objections against taxes of this character.

Sir, the Hon'ble the Finance Minister had in introducing this measure delivered a speech which, to speak the least about it, is extraordinary. It is full of bad logic, undigested inconsistencies and it is also a rare example of wild ravings of an intoxicated person. I shall not emulate his manner and shall confine myself only to his points and not deal with his passions. From the period the Bill has been before the country or a proposal of this character has been made known to the public of Bengal till the present moment I have not discovered even one who has had an encomium of praise or welcome for this measure. Even in this House where members of different parties have expressed themselves including the estimable members of the Coalition Party itself, the Bill has only met with a chorus of condemnation and nothing else. For what mischief was once committed by the previous Finance Minister, Mr. Nalini Ranjan Sarker, he has expiated himself by a suitable exposition of the evils of the present measure which actually was contemplated not during the régime of the present Finance Minister but of the past. Hon'ble Mr. Suhrawardy, the Finance Minister, foreshadowed certain measures of taxation in his last Budget Speech. This has been referred to in the Statement of Objects and Reasons. In fact, we had been forewarned even by the previous Finance Minister in this respect in the Budget Speech of 1938-39. Mr. Sarker then said—"If further taxation is necessary, we must be prepared courageously to impose it." Again, in 1939-40, Mr. Sarker said—"Government will no doubt introduce taxation measures whenever necessary," and we have had example of one piece of tax which is known in Bengal as "Sarker's tax."

Sir, the Hon'ble Mr. Suhrawardy in his last Budget Speech indicated his intention to impose various taxes, but, Sir, the grounds for such imposition were stated to be quite different from what he puts forward to-day. On that occasion, he said—"Our expenditure has reached a point at which we are living a little beyond our means." Further, he stated—"We in Bengal have with us at least a semblance of prosperity" and also "we must seize this opportunity to develop our resources and to build up reserves against the depression that we all fear will follow." It was not then stated that he wanted money to maintain the nation-building services and he, at least at that stage, did not think that his resources were not sufficient to meet the immediate requirements of various nation-building departments. The present proposal for taxation thus starts with entirely wrong premises and further ignores the elementary principles of public finance. Sir, if I am permitted to draw one or two pieces of valuable theoretical knowledge from reputed books on public finance like the book of Bastable and others, I might point out that it is admitted by all authorities that compared to private finance where expenditure is regulated according to income, in public finance income or revenue has got to be regulated in relation to expenditure. Therefore the first thing that has got to be placed before the House is a scheme of expenditure, the details whereof have got to be properly worked out, and the House has got to be convinced that during certain financial years it is possible for the Government to spend that money. And after the approval of that scheme alone, a proposal for raising certain revenue to meet such expenditure can be mooted. Sir, the present Bill in that sense goes contrary to even this elementary principle of public finance.

The proposal also is ill-timed, ill-conceived and not justified by the financial position, at the present moment, of the Government of Bengal

This point has been amply made out in a very able speech by our esteemed friend Mr. Sassoon from the European Group. Although I do not agree with Mr. Sassoon in his conclusion, I might state frankly that he has looked at the points from our point of view at last, and we welcome such a welcome change in the attitude of the European Group.

Sir, the revenue receipts have been clearly found sufficient to meet the revenue expenditure so far. There have of course been depletions of balances, but this has largely been due to measures for extending loans and advances which ought not to have laid a burden on the revenues of the province. Further, Sir, there have been certain measures adopted without consultation of the House, measures like the purchase of jute from the jute dealers, old jute only from the baled jute market, which had not the sanction of the House and which has entailed a heavy burden on the province of Bengal. As my friend, Rai Harendra Nath Chaudhuri, has very ably pointed out, it is not true

that any beneficent schemes so far could not be undertaken or carried out for want of funds. Lump sums for various schemes were provided but could not be spent mainly for want of proper preparation of the details of the schemes and also for want of all the machinery required for the proper spending of the same. We had been told by various Hon'ble Ministers when we had pressed for different measures for nation-building services that it was not easy to set up the machinery overnight. The Hon'ble Education Minister has said that he wants trained teachers and that it cannot be done in a moment. The Hon'ble Agricultural Minister has said that he is short of trained demonstrators and hands for research work. These cannot be had in a year or two. Sir, that has been the reply almost on every occasion when we from this side had pressed for an expansion of nation-building activities in various directions. Even, Sir, if certain schemes had now sufficiently matured, no immediate necessity for the general sales tax appears to have arisen. Firstly, because the scope for retrenchment in the expenditure of the Government of Bengal has not yet been fully explored. During the first two years of Mr. Sarker's régime, we were supplied with white papers giving a review of the economy measures of the Government of Bengal. The last that we had was for the period up to March, 1939. We have had no such attempts made to acquaint the House with up-to-date figures of economy by the present Finance Minister. In those reviews that we had before us, it was pointed out that all the recommendations of the Swan Committee even had not yet been worked up to. In the report submitted to us in February, 1938, it was shown that the Swan Committee proposed a retrenchment of Rs. 1,72 lakhs, out of which the Government of Bengal had accepted up to Rs. 93 lakhs only. There was thus scope for further retrenchment to the extent at least of Rs. 80 lakhs on the estimates made by a responsible Committee. Secondly, Sir, there seems to be no justification for the present measure at the present moment, because, as I have already indicated, it is not possible to spend the money as no suitable machinery for spending it can be set up in course of a month or a year or even two years.

Sir, I now come to the actual provisions of the Bill, and I would like to examine the Bill from the point of view of a theoretical student of Political Economy as much as from the point of view of a practical businessman. We have had from Mr. Sarker a very good exposition of the evils of the measure. I will now recapitulate some of them, and add one or two more points that have occurred to me.

In the first place, covering the theoretical ground of objections, the first objection that strikes me is that the present proposal for a general sales tax has been made not with a view to substituting any existing measure of taxation which is likely to dry up soon. There was a striking case in Madras when the Government there proposed to pursue the policy of prohibition and thereby found that some other substitute

was necessary to raise necessary revenues with a view to maintain the essential services of the State. Can this measure here be termed necessary because of any emergency that has arisen, either due to heavy expenses that the province has got to incur on account of the war or any other cause? If we study the history of the sales tax of other countries, it will be realised that invariably the sales tax as a revenue has been contemplated in European countries as a result of the economic disturbance due to the last war, and in America due to the economic depression that set in after 1929. It has been rather unfortunate that an attempt is being made to saddle the province of Bengal with a permanent measure of taxation of this character at a time when, as everybody knows and as has been made amply clear from all sides of the House, Bengal is passing through a most lamentable economic distress. Once a tax of this character is allowed to be placed on the statute book, it has a tendency to stick on and it becomes a tax of a permanent nature. It is therefore meet and proper that the Hon'ble the Finance Minister should exercise the utmost caution and at least take the public into his confidence and would not fight shy of the public of Bengal, be they *Praja bandhus* or labour *daradis*.

Sir, my third objection to the measure is due to the fact that the sales tax is a regressive tax contrary to the accepted principles of taxation of modern times. We have been trained in and in various ways we have been spreading education in the principles of Socialism. Where is that principle of Socialism which the Hon'ble the Labour Minister so much boasted of but which has all now been thrown to the winds? In this piece of taxation the poor man pays at the same rate as the rich man. There is no attempt even to graduate the tax on the basis of commodities for luxuries or otherwise so that we could understand that the actual incidence of the burden might have been different for different classes of people.

In the fourth place, as the Hon'ble the Finance Minister himself admitted with some amount of pride, it appears that this is a tax which would be passed on to consumers. Does the Hon'ble Minister know that it has been the experience of all countries that when a tax is passed on to the consumer, it will take the shape of a pyramid, that is to say, the retail dealer adds small extra amounts over the rate of tax in order to cover up the possible losses of fractions of the levies. It thus gets increased, and the burden on the consumer becomes more than really what it ought to be. Then, assuming that this tax is passed on to the consumer, does the Hon'ble the Finance Minister realise whether the consumer of Bengal will be able to bear this burden? I do not admit that the tax can be necessarily transferred or passed on to the consumer. In fact, it will depend on various factors. If there is a time of depression as there is now, I doubt very much if the tax can at all be passed on to the consumer; if the rate of tax is so high as it is here, whether the whole of the tax can be passed on

to the consumer or only a fraction of it can be passed on will remain uncertain. There is also the question of elasticity of demand of particular commodities consumed, which will determine how and to what extent this tax or a portion of it can be passed on.

These are questions of principle which have got to be carefully gone into. An elaborate thesis has been sought to be given to us recommending the single point tax as against the comprehensive general sales or turnover tax. I fail to follow the logic of the same. The general sales tax or turnover tax, as compared with this one-point retail tax, has at least one great advantage that nobody in the community is exempted or heavily burdened, as the rate is generally kept very low. One-quarter per cent. is the rate at present operative in the Madras Presidency. It has also been found by research work by able economists in the American States that when there is a general sales tax of this character with a very small levy, statistics of the same places shows that the tax is not necessarily passed on to the consumer even when the turnover is three or four times. Mr. Suhrawardy has gloated over the possibility of the consumer being fleeced by the dealer, but he does not try some other method or device to levy the tax direct from the consumer, through tokens sold, as has been operative in some of the American States.

(At this stage the member reached the time-limit, but was allowed to continue for 10 minutes more.)

There is one important point to consider when we compare the turnover tax with the one-point tax. In the case of the turnover tax, it is argued that there is a tendency for business to get collected into a few hands because they want to eliminate intermediaries and the middlemen. This is a feature which the Hon'ble the Finance Minister shudders at. I think, on the other hand, it should be welcome in a society like ours where the evils of the middlemen and the exactions that the various middlemen obtain are too well known. On the contrary, if there is a one-point tax, there is a tendency for disintegration of big businessmen. For example, a grocer to-day who has got a sale account of Rs. 40,000 will have one business in *ghee*, another in *dal*, another business in kerosene oil and things like that in order to obtain exemption. There will be nothing to prevent such disintegration, and it will be a woeful day for Bengal if big business is disintegrated into small hands in order to evade the payment of tax.

Further, Sir, I might submit, at this stage, that from the point of view of a theorist a selective sales tax on certain specified commodities would have been more welcome than a general sales tax of this character if revenue must be increased. In the case of a selective sales tax, Government can adjust income to the expenditure from time to time by increasing the list of commodities that Government propose to include under the taxation, whereas in a general sales tax Government will have all the money in its coffers and will not know what to do

with the money. This is a dangerous principle which should be avoided. Further, it has been already pointed out by many previous speakers that this is a tax not on profit but on value, and as such, it is open to serious objection.

I now come to some of the practical drawbacks of this measure. The first practical drawback is that the Bill does not exempt the raw materials used by small manufacturers of Bengal—large number of artisans, weavers, bell-metal and brassware manufacturers, etc. If this tax is imposed they will have to pay higher price for the raw materials that they use. This point has been very fully dealt with by Mr. Nalini Ranjan Sarker in his speech Secondly, the Bill does not exempt the sale by farmers of their farm products as has been done in America. Thirdly, the Bill exempts articles like raw jute which are consumed by people making large profits, and if as the Hon'ble Mr. Suhrawardy claims that this tax is a tax which will essentially be passed on to the consumers, than the benefit of this exemption will pass on to the European mill-owners of Bengal. I cannot understand this point. The agriculturists will sell raw jute to the *phatkawalas* and middlemen; they will not have to pay a single farthing.

Another drawback is that the Bill does not seek to levy tax on Corporations. I do not know if the term "person" used in the Bill is wide enough to include Corporations. Specific mention ought to have been made of Corporations, Co-operative Societies, Clubs and the like in the provisions of the Bill.

There is also another difficulty that the Bill does not make a distinction between different commodities the characters of which may be widely different, *e.g.*, bullion, cloth, etc. The percentage of profit by selling these articles is very low, particularly in big towns. Profit depends mostly on the turnover so far as these goods are concerned.

It is also difficult to understand why small dealers paying no tax cannot compete with big trades as the Hon'ble Minister has claimed, specially if the small traders receive their supplies from wholesalers outside the province. Both Mr. Nalini Ranjan Sarker as well as my esteemed friend Mr. Jalan have made this point perfectly clear that there is nothing to prevent a small trader from obtaining his supply from a wholesale dealer outside the province. Mr. Sarker has pointed out that probably the Hon'ble Finance Minister will depend upon the protection of cost of transport. I must at once tell the Hon'ble Finance Minister that the cost of transport from Calcutta to any part of North and East Bengal, say from Calcutta to Dinajpur, is almost the same, if not more than the cost of transport to such places from Monghyr, Patna or Purnea. It will be a woeful day for Bengal if by this ill-conceived measure the small traders are forced to go to places like Monghyr, Patna, Purnea, etc. Another practical difficulty that I have

felt is that such a measure will inevitably lead to migration of wholesale business and disintegration of the large trade. Once this law is enacted, you will be drawn into the necessity of enacting another law which is called in America "Use Tax," in order to prevent the people of this province from using any article coming from an adjoining province. That would be a very dangerous thing. Further, I want to point out that the exemption list is limited and the rate proposed is high and Government's power to raise the rate from 2 per cent. to 3 per cent. is a dangerous proposal. Moreover, the estimated receipt or yield of Rs. 2 crores and the cost of collection amounting to Rs. 7 lakhs as stated by the Hon'ble Minister are illusory. I know it for certain that an expert of Government has calculated the yield at Rs. 10 crores at 1 per cent. and 15½ crores at 1 pice a rupee and the cost of collection as about Rs. 53 lakhs. I would like to have details from the Hon'ble Minister. Let us not have a taxation by a backdoor measure, by hoodwinking the public of this province. The public have a right to express themselves fully on a measure like this. A small levy like the tobacco tax created such a situation that the Hon'ble the Chief Minister had to assure his constituency that as soon as he became the Chief Minister he would remove that piece of taxation. Now, Sir, that tobacco tax is coming to the people over a hundred times and yet the Hon'ble the Finance Minister thinks that he will be able to have the support of the people of Bengal. There is nothing wrong in asking the public of Bengal to express themselves on this measure. Even the time asked for circulation, that is the 31st of March, 1941, is not considered too long. I am prepared to accept the circulation motion up to the 31st December. Government are not going to levy the tax before September, 1941, as Mr. Suhrawardy has assured us. In that case what is wrong in allowing the public of Bengal to express themselves freely on this measure? Are the Government afraid of public opinion?

With these few words, Sir, I support the motion for circulation.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I would not have intervened in this debate had it not been for the fact that most of the members of the House, friends and foes alike, seem to be labouring under a serious misapprehension regarding the Bill. As regards the main provisions and the charges that have been levelled against the provisions of the Bill, the Hon'ble the Finance Minister will no doubt give a suitable reply. I will only draw the attention of the House to certain salient points. But before doing so I would make an earnest appeal to all the members of this House, whether they are the supporters of Government or oppositionists, to realise the fact that it is not the Cabinet Ministers alone that are responsible for the administration, because considering from a broad point of view every single member

of the House is individually and collectively responsible for the schemes which Government may take up for the administration of the affairs of the province.

Sir, my lot is an extremely unfortunate one. I have to bear the brunt of all criticisms. It has been said that we have been squandering away money mostly for personal ends, and one member, Mr. Shyamaprasad Barman, has suggested that much of that amount has been spent practically in bribing the members of the Coalition Party. Sir, I will not reply to abuse by abuse. I will only make an earnest appeal to the honourable members to take a dispassionate view of things and to consider our shortcomings in a sympathetic spirit and help us, if possible, in our attempts to improve the lot of the poor people of Bengal.

As regards the surplus, the House of course knows that we have got some money. It is not possible for me to give the exact figure at the present moment, but I may say that it is somewhere in the neighbourhood of two crores of rupees. Now, Sir, that money has not been spent. The House will remember that immediately after the House met for the first time, Bengal has been visited by floods and even famines—not to speak of scarcity—for two consecutive years. We had to give money for relief work; we had to advance money to the agriculturists in the shape of agricultural loans and last year, we had to spend Rs. 30 lakhs in purchasing jute. I believe most sincerely that barring the money that was spent for relief, much of the money that has been spent on agricultural loans and on jute will again come back to us, if not with profit (laughter), at least a sufficient quantity will be available to us for capital expenditure in the province. I find some of my friends do not accept the expression "with profit." We do not want to make profit. So far as jute is concerned, we may make a profit—let us hope we will! But as I have said the money that was spent by Government will come back to us. Of course, some money which has been spent we will not get back because that was spent on gratuitous relief. But, Sir, even if we had spent all money in that way, I submit that that argument would have been beside the point. What we require for Bengal is not money for capital expenditure, but we require money for recurring expenditure in order to meet the expanding needs of administration. Bengal had always been in the forefront of all the provinces of India in the matter of advancement in political, social, literary or other fields. But at the present moment, Bengal is the poorest province and for causes, which I make bold to say, over which we the Ministers had no control. Consider the case of Bombay, for instance. That province with a much lesser area and with nearly half the population of Bengal, has got an income of 2 crores more than what we have got. Similar is the case with Madras and other provinces. Bengal's per capita expenditure for the cost of

administration is the least of all the provinces, and what we require is not 1 lakh or 10 lakhs or 50 lakhs or 1 crore but about 6 or 7 crores if we are to discharge our responsibilities properly to the people of the province. Speaking as a Minister in charge of Education, I require at least 4 crores of rupees more than what has been budgeted in order to meet the requirements of primary education, secondary education, collegiate education and in various other matters which are essential to the cause of education. Take the case of secondary education. Supposing the Secondary Education Bill is passed into law and it becomes an Act, how will it help the country unless we can have the money to finance the scheme and this will require about Rs. 50 lakhs more than what we annually spend at the present moment. Again, take the case of primary education. Let us forget for the moment that we have got the Education cess. If we impose no cess, then a little calculation will show that no earthly power can introduce free and compulsory education in this province with more than a lakh of villages and with more than 6 million boys of school-going age at a cost less than 3 to 4 crores of rupees if you are to pay something like living wages to the teachers of the primary schools. Now, where is all this money to come from? Some honourable members have accused us of having misspent the money. I can speak with confidence on behalf of all the Ministers that we are ready to forego our salaries if that solves the problem of Bengal. Will it solve? You will only get a few lakhs. We will try to cut down expenditure in every possible way. But the House must remember that there are certain items of expenditure which are absolutely earmarked in various ways and over which the Ministers have got no control. As regards the services, we have cut down their salaries to a point which is below the salaries prevailing in other provinces. As a matter of fact, in consequence of the activities of three retrenchment committees in many respects Bengal is spending less than other provinces on many items of expenditure. Now, Sir, as I have said, the question is not of lakhs but of Rs. 5 or 6 crores, and it is a mistake to suppose that the money which we have got as a surplus in one year is really money which can solve the problem. Even if we have Rs. 4 crores, after we spend that Rs. 4 crores, we will have no more money. It is not for capital expenditure that we require money. It is only a surplus, not a recurring surplus. If it is a recurring surplus, it means recurring revenue. What we have got to find out is recurring revenue. I submit therefore that some kind of taxation is absolutely justified. Now, Sir, we have explored all possible avenues. During the last two years we have done our best to find it out. This is a tax which gives us the maximum revenue with the minimum of difficulties to the ordinary cultivator and the poor man and in our judgment this tax is the only tax that we can have and this is the only Bill that we can bring forward before the

House. The Bill was gazetted. It has been before the public for some time and as far as I remember I have never received any word of complaint up till now.

Dr. NALINAKSHA SANYAL: What?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not received any word of complaint.

Dr. NALINAKSHA SANYAL: You are not the Minister in charge.

The Hon'ble Mr. A. K. FAZLUL HUQ: I am talking of myself.

Dr. NALINAKSHA SANYAL: Ask the Minister in charge.

The Hon'ble Mr. A. K. FAZLUL HUQ: He may have got, but I have not received any word of complaint. I have not received anything either well conceived or misconceived. What we want is that the Bill should go to a Select Committee. They are to suggest alterations, additions and changes, whatever may be necessary. I never expected that on the motion for referring the Bill to a Select Committee there would be so much opposition.

Sir, as I have said I do not wish to go into details But there is one particular point in the speech of my friend Mr. Idris Ahmad which I must take the liberty to correct. Like many of my friends in the Opposition he has also repeated the slogan that though I promised the people "*dal bhat*", I have not given them "*dal bhat*" What I said in that manifesto which was read out several times by the members of the Opposition was this: "The problem of '*dal bhat*' is the problem of problems to-day." That does not mean that I have got "*dal bhat*" ready in my house in Jhowtala Road which anybody can come and eat, because I am not a cook. I did not and could never promise "*dal bhat*" for millions of people. If there was anyone who believed that I would give "*dal bhat*" to five crores of people, he must be a fool. Not only that, he must be living in a fools' paradise.

Dr. NALINAKSHA SANYAL: This is just like you!

The Hon'ble Mr. A. K. FAZLUL HUQ: But I never said that. Don't misquote me. I never promised *dal bhat*. All that I said was that the problem of *dal bhat* was the problem of problems. If you go to the villages, you see half-famished people, half-fed people, who do not get one square meal from year's end to year's end. That is the problem. But it is quite different from saying that I would provide *dal bhat* to millions of people.

Rai HARENDRA NATH CHAUDHURI: We do understand it now.

Dr. NALINAKSHA SANYAL: We have now understood your discovery.

The Hon'ble Mr. A. K. FAZLUL HUQ: It is no discovery. You are wilfully misrepresenting me. I would only tell the House that I never said anything like that. Now, Sir, I shall conclude.

As regards the Education Department, let my friends remember whatever the position may be I will come forward with a Bill for at least Rs. 4 crores in addition to whatever may be the demands of other departments. You must give me the money; otherwise, in all fairness you ought to call upon me to resign.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, may I say one word with regard to the statement of the Hon'ble the Chief Minister? Bengal has been expecting *dal bhat* from him so long: even that promise has now been taken away.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, so many criticisms have been levelled against me personally and against the measure which I have had the honour to place before the House that, I think, to do justice to them I shall not be able to conclude my speech to-day, and I would request you to give me some time on Monday.

The opposition was set rolling by Mr. Abu Hossain Sarkar. I strained my ears and my imagination to ascertain from him exactly the nature of the opposition, but I must confess, Sir, that I was greatly disappointed as mostly his arguments were vacuous which I propose to ignore.

Now, Sir, I will deal with certain general matters that have been raised by the members of the Opposition and by Mr. Nalini Ranjan Sarker and Mr. Sassoon. A point raised by them was that the exact financial position has not been disclosed. The reason for that is that we intended to place before the House a supplementary budget in order to disclose the correct financial position, but as the Council will sit much later and a convention has grown up that the Council should have an opportunity of criticising or at any rate discussing the supplementary budget before it is actually passed by this House, I have not been able to place it before you this session. But we shall take the earliest opportunity of doing so in January.

Sir, Mr. Sassoon has said that the deficit is not likely to materialise. This is a point on which I must regretfully say that he is wrong. I say the deficit is going to materialise and materialise with a vengeance. Mr. Sassoon has reminded me that the deficits with which my predecessor in office threatened the House have not materialised. This is true.

In 1938-39, the expected deficit was 12 lakhs, but actually the receipts and the expenditure exactly balanced. In 1939-40, the expected deficit was 87 lakhs, but actually, excluding certain accounting adjustments, there was a surplus of 17 lakhs. In February this year, I forecasted a deficit of 57 lakhs for the current year. Leaving aside the 30 lakhs that we spent on jute purchases to which I shall refer later, we have accepted liabilities for expenditure of 33 lakhs over and above what was forecast in the budget; 23 lakhs has been spent on jute regulation and licensing and a further sum of 10 lakhs on primary education. Therefore, this post-budget liability has raised the figure of our probable deficit from 57 lakhs to 90 lakhs, and when we include the 30 lakhs spent on jute, it comes to 120 lakhs. Now as regards the revenue position, that has deteriorated on account of circumstances over which we had no control. Our receipts from the jute export duty are almost sure to be 50 per cent. below the budget estimate; unless there is resumption of export, our land revenue receipts will certainly be below the budget estimate (Dr. NALINAKSHA SANYAL: The Nemesis has come!) I think my honourable friend Rai Harendra Nath Chaudhuri realised this, and hence will accept that there is an actual deficit which will have to be met by taxation. Therefore, Sir, the taxation measure is absolutely essential to meet the present (Dr. NALINAKSHA SANYAL: To meet the deficit?) emergency.

A further point has been raised that we cannot possibly spent the amount on nation-building departments. Mr. Chaudhuri and Dr. Sanyal have pointed out from the Report of the Public Accounts Committee for 1938-39 that we had budgeted for many measures and that we had allotted lump sum grants which we were not able to spend in the course of the year 1938-39. Since then I may tell these two honourable gentlemen who were members of the Public Accounts Committee that our policy has been further tightened up and there are fewer lump sum grants now than there were before. But there is another reason for it, and that is that schemes do generally take some time to materialise, but I may point out that some of them have materialised by now. The situation in 1938-39 is not the situation in 1940-41 (Rai HARENDRA NATH CHAUDHURI: Why not?) It is not; I am only stating it.

Then, Sir, Mr. Jalan has very fairly remarked that any person with commonsense or wisdom should be able to give a better and a longer catalogue of measures. It is not a question of better or longer catalogues of schemes. The schemes which I have placed before the House are the schemes which we have considered, and I have only referred to those schemes which each department is considering, many of which have by now attained fruition and many cannot be put into operation because we have not got the money. It is not a question of financing

only; it is a question as to which scheme is to come first. We have many schemes in mind. Take the question of establishment of any big industry and Government supporting, subsidising or financing it. In view of our present resources, can we even consider taking up these schemes; we cannot unless we know exactly where we stand financially. Government cannot go on taking up one scheme after another, having them examined by department after department and then wait for better days to put them into operation. We can only take up schemes to the extent to which we feel we are able to get, or are likely to get, finances in the near future. Therefore, Sir, it is specific schemes alone which we can consider and take up. There are many schemes on which we can spend at once. Take one scheme, viz., about primary education. We have attempted to introduce primary education in various districts, though we have not been able to do as much as we liked. We have not been able to push on the schemes with the resources at our disposal. When we get money we shall be able to take up the schemes in right earnest. It all depends upon the financial condition of the province.

Somebody has said that this is a taxation for future election propaganda. This, I know, is going to be utilised against us in the election propaganda. When we are certain that we need money in order to carry on nation-building activities, we must have that money. If we were not so certain, we would not have brought this taxation measure, we should have left it for the future Ministry to bear the burden of this unpopularity. But we have got to do this. We want really to carry on the works in hand and for that purpose we are prepared even to risk that unpopularity. We feel it to be our duty to do these things for the welfare of the people of the country.

It has been said that we have squandered away money right and left. Some figures have been given to show the amount of money that we have had at our disposal. In order to satisfy myself, in order to satisfy the conscience that I possess, I have examined the Budgets of all the years beginning from 1937-38, to the present. I did it in order also to ascertain whether we have really spent money on items of expenditure that we can justify.

Sir, the amount of money, extra money, at our disposal annually is not 4 crores, is not 2 crores, is not one crore, it is only Rs. 65 lakhs. I am prepared to show this, and to explain this fully at some other time. I shall make it clear in my Budget Speech if I am permitted to place another Budget before the House. Now I shall give some figures, some items of main expenditure. About Rs. 35 lakhs have gone to the Education Department, viz., an increased grant of Rs. 3,74,000 to the University, Government Art College—Rs. 1,87,000, Non-Government

Art Colleges—Rs. 2,62,000, Government Secondary Schools—Rs. 70,000, Non-Government Secondary Schools—Rs. 5,32,000, Primary Schools—Rs. 7,77,000 and a further Rs. 10 lakhs, Government Special Schools—Rs. 3 lakhs, Non-Government Special Schools—Rs. 3,38,000, Scholarships—Rs. 2,11,000, and various miscellaneous—Rs. 3,99,000.

For Debt Conciliation, which we think has saved the people of Bengal from a grave economic crisis, which has prevented their lands from passing into the hands of the *mahajans*, which has given them some breathing time, we have increased our expenditure from Rs. 1,07,000 in 1936-37 to Rs. 23,12,000 this year—an increase of Rs. 22 lakhs. We have spent this money for the welfare of the people of Bengal.

Similarly, there have been increases in the Department of Rural Reconstruction, increased provisions for Irrigation Works, for Maintenance and Repairs. For rural water-supply there has been an increase of Rs. 5½ lakhs, for free distribution of quinine Rs. 3 lakhs, for urban water-supply Rs. 2 lakhs, anti-malarial measures Rs. 2 lakhs, Kala-azar Rs. 50,000, reorganisation of rural public health units Rs. 1½ lakhs, increased provisions for sewerage schemes, and for other miscellaneous schemes, *e.g.*, tuberculosis survey, etc. It has been alleged by some of the Opposition members that Government have squandered money at their disposal right and left. I think we have well spent the money, and we can give a satisfactory account of it and can prove to any one that the money has not been spent in a manner to which exception can be taken.

Sir, I would now refer to the speech of Mr. Abu Hossain Sarkar. He has said that we are subsidising certain papers for our own propaganda. I do not know what papers we are subsidising, nor do I quite know what he means by "propaganda by subsidising." I had thought, Sir, that subsidising trashy papers was a monopoly of his party. He has also referred to certain persons who were externed by Sir Charles Tegart having been brought back and supplied with jobs and motor cars, which, I can tell him definitely, is not true. Then he says that we procured a lakh of people at the time of the no-confidence motion. I can understand his mortification and envy at the demonstration that was held in our favour. These people came spontaneously, and I thank God for it; that we have been favoured with the confidence and the affection of the masses; not a pice was spent either in organising the demonstration of collecting the people. That meeting showed conclusively—and in a manner which must have given a shock to the self-complacency of the opposition—that demonstrations and slogans are not their sole monopoly. That is the position which, I think, neither Mr. Abu Hossain Sarkar nor Dr. Sanyal will deny.

Mr. Sarkar has raised the point that we have committed a great crime by exempting jute from taxation. Dr. Sanyal has said that if jute was taxed, it would have brought in something out of the pockets of its consumers, namely, the mills. I would only be too glad to tax jute if it could be shown that it would not result in further depressing the price of jute in the mufassal and that the tax would not ultimately be passed on to the agriculturist. I am not sure that such would not be the case, and I have therefore exempted jute from the operation of the tax.

Rai HARENDRA NATH CHAUDHURI: Sir, it is 1 o'clock and the Hon'ble Finance Minister may continue on Monday next.

The Hon'ble Mr. H. S. SUHRAWARDY: I think, I might meet Mr. Sassoon's point and leave the rest for Monday, and I will take about 5 or 10 minutes to meet his point.

Mr. R. M. HASSON: I would appreciate if my point is dealt with on Monday.

The Hon'ble Mr. H. S. SUHRAWARDY: I have the answer ready for my friend and, I think, he will be satisfied with it. However, if the House so desires, I shall answer that on Monday.

Before I close, I would request my friends of the European benches to think over the matter. I think, they must have been gratified considerably at the way in which their attitude towards the Bill has been greeted by the Opposition. My friends from both the groups in the Opposition have appealed to the Europeans to try and use their efforts to turn down this Bill. The incense which has been burnt at their altar must be particularly gratifying to them. They occupy a very privileged position in this House and their position of privilege has been enhanced by the manner in which the Opposition has appealed to them.

I would also request them that when they consider their attitude towards the Bill they would decide the question on its merits and not on account of any consideration or any effect that it will have on them or on their constituents. I would like to appeal to them to consider the merits of the Bill for the greater good of Bengal.

Programme of Business.

Mr. SPEAKER: I might announce the business of Monday next. The first item after questions will be the discussion on the principle contained in His Excellency's message which has been particularly

fixed for Monday. After that, we will take up the Finance Sales Tax Bill. Then, there is a short Bill—the Bengal Legislature (Removal of Disqualifications) Bill—and, by arrangement with Government, we have allotted 1 hour and 15 minutes for discussion of the special motion on jute which is likely to be taken up between 5 and 6.

Adjournment.

It being 1-5 p.m.—

The House was adjourned till 4 p.m. on Monday, the 2nd December, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 2nd December, 1940, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 217 members.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Special Officer's report on the report of Floud Commission.

16. Dr. NALINAKSHA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state when the Government received—

(*i*) the recommendations of the Land Revenue Commission (Floud Commission); and

(*ii*) the report of the Special Officer appointed to examine the report of the Floud Commission, if any?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) what are the principal recommendations of the Special Officer; and

(*ii*) what steps the Government propose taking to implement the recommendations of the Floud Commission or of the Special Officer?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) 21st March, 1940.

(*ii*) The report was submitted in instalments and the last instalment was received on the 7th October.

(*b*) (*i*) The recommendations are being examined by Government and they propose to treat the report as confidential.

(*ii*) Government hope to decide their line of action after the examination of the report is completed.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*ii*) where it is said that the report was submitted in instalments and the last instalment was received on the 7th October, will the Hon'ble Minister be pleased to state which year was this?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I believe it was 1940.

Dr. NALINAKSHA SANYAL: Sir, can I not have definite information? I find that so far as the previous answer (*a*) (*i*) is concerned, it is 21st March, 1940. Of course, the Special Officer's report must have been then in 1940. Will the Hon'ble Minister be pleased to state when the Government expect to finish their examination of the Special Officer's report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is difficult to give a definite date. It involves several important issues and I am afraid I cannot give a definite date. But we are trying to expedite the matter as much as possible.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are contemplating appointing yet another Special Officer to go into the reports of the Special Officer and of the Commission?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If it is the desire of the Opposition, Government will welcome the suggestion.

Dr. NALINAKSHA SANYAL: We had one Commission of enquiry. Government then appointed a Special Officer to go into or study the Commission's report and now Government are again considering that report. So, may I enquire how they propose to go into this enquiry?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Whenever Government appoint a Commission or Committee, they are in the habit of examining its report and they cannot give it up. But if it is the desire of my honourable friends opposite that Government should appoint another Committee or another Special Officer to examine the report further, Government will welcome that suggestion.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have considered the desirability of giving effect to the report of the Floud Commission before the term of the present Assembly expires?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That will be putting the cart before the horse. Government are examining the report and they cannot make up their mind before their examination is complete.

Sarta Bridge over the Halda river in Chittagong district.

17. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he has received the plan, estimate and survey report of the Sarta Bridge over the river Halda on the Chittagong-Hathazari-Moghachari Road in the district of Chittagong from the Chittagong District Board?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when the construction work of the said bridge is likely to commence?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether the Chittagong District Board was written to for the plan, estimate and survey report?

(*d*) If so, when?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) what amount are the Government prepared to spend for the bridge; and

(*ii*) how do the Government propose to meet the balance, if any?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) No.

(*b*) Does not arise.

(*c*) Yes.

(*d*) In July, 1939.

(*e*) (*i*) Rs.73,000.

(*ii*) The Chittagong District Board have undertaken to meet such further amounts as may be found necessary to complete the project.

Improvement of the old Benares Road from Howrah to Sheakhala.

18. Mr. TARAKNATH MUKHERJEA: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what steps have been taken to improve the old Benares Road from Howrah to Sheakhala;

(*b*) what amount has been already allotted for this project; and

(*c*) when the work is likely to be taken up?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) It has been decided to take up the improvement of the portion of the old Benares Road from Chanditola to Sheakhala in the district of Hooghly and work has already been started on this portion. It is not proposed to take up the improvement of this road from Howrah to Chanditola in the near future, as practically the whole of this portion is already metalled and bridged.

(*b*) Rs. 50,000.

(*c*) Does not arise, *vide* reply to (*a*) above.

Number of voters of the Bengal Legislative Assembly.

19. Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state the total number of voters both male and female of the Bengal Legislative Assembly of each community for every constituency for the ensuing election of the Provincial Legislative Assembly.

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): Complete information is not available.

Storage facilities for surplus jute.

20. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what the Government propose to do with the surplus jute that for want of selling facilities is now lying in the hands of the cultivators?

(*b*) Is the Hon'ble Minister aware that for want of credit and storage facilities it is becoming extremely difficult for the cultivators to keep the jute any longer?

(*c*) If so, what steps do the Government propose to take for increasing the storage facilities?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) A good deal of the jute now in the hands of cultivators will undoubtedly be bought up by the trade. Both mills and balers must make purchases to cover their consumption during the rest of the season. The question as to how and by whom the actual surplus can best be held and carried forward to the next season will be discussed at the conference to be held in Delhi on the 4th December at which representatives of jute-growing provinces and the mill industry will meet representatives of the Central Government. The action which this Government can and will take will very largely depend on the decisions reached at that conference. I cannot therefore give any categorical answer to this question now.

(*b*) Government are aware that the holding power of growers is limited for the reasons mentioned. They are however very pleased to see that there is as yet no sign of any undue selling pressure on the part of growers.

(*c*) The question is an extremely difficult one and cannot be solved immediately. It has been under consideration for some time and various proposals, including those made by the Bengal Jute Enquiry Committee have been examined. No final decisions have yet been reached but enquiries are being actively pursued.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether Government have got any definite proposal to place before the Conference at Delhi?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to give the House some idea as regards the proposal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, there are various proposals under the consideration of Government. I do not know how far those proposals will be acceptable to the Government of India. I think it will not be proper in public interest to give publicity to those proposals at this stage.

Treatment of persons detained under Defence of India Rules as under-trial prisoners.

21. Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state the reasons for treating those who are detained under rule 129 of the Defence of India Rules as under-trial prisoners though no trial is held against them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Detention under Defence of India Rule 129 is temporary only. During this period it is necessary to provide for their treatment. The existing rules applicable to under-trial prisoners are most suitable and convenient for these cases.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister be pleased to state whether the same kind of treatment was meted out to the detenus in the past, that is, before the promulgation of the rules?

The Hon'ble Khwaja Sir NAZIMUDDIN: I was not in charge of the department when detenus were first being taken in, and I am afraid I am not in a position to answer that.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to the Hon'ble Minister's answer that the existing rules applicable to under-trial prisoners are most suitable and convenient for these classes of prisoners, will the Hon'ble Minister be pleased to state whether he does not consider the rules which were in vogue for the detention of prisoners in former days applicable to the cases of detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would like to make it clear that in the old days there were people arrested and detained for a month under the Bengal Criminal Law Amendment Act in jail and then afterwards when their cases were finally examined and approved of by the Judges and it was finally decided to detain them, they were sent to detention camps and the Detention Manual used to be referred to them. In this particular case, when people are arrested under rule 129, the arrest is of a temporary nature. Local officers can detain them for fifteen days and afterwards with the sanction of the Local Government the prisoners can be detained for two months, but they cannot be detained for longer than two months, and if afterwards they are detained they are detained under rule 26. What Government have done is that they have promulgated a rule under rule 26 which corresponds to the relevant Detention Manual rule with this difference that in the old days the detenus used to receive cash allowances and now the security prisoners under the Defence of India

Rules instead of receiving cash allowances receive them in kind. As far as possible the conditions are practically the same. So far as rule (?) 29 is concerned, what I have decided is that up to 15 days they will be treated according to the rules for under-trial prisoners and by that time we shall know whether they should be detained under rule 26 or should be let off. Therefore, after 15 days, we propose to put them on the terms contained in rule 26.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether by his answer to my previous question he means that the detenus after the expiry of fifteen days when they will be taken as permanent detenus so to say will be entitled to the same considerations as the detenus were receiving in former days including the grant of family allowances to their dependants and cash allowances to themselves?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the fundamental difference between the old rules for detenus and our Defence of India (Security of Prisoners) Rules is that in the former case they used to receive cash allowances while under the existing circumstances we are going to give them in kind; for instance, food will be supplied to them, but they will be all placed in one camp at Hijli and as prisoners they will all belong to the same class; besides the arrangements for supervising their kitchen and cooking will practically be on the same lines as in the case of the old detenus. So far as allowances to families are concerned, here we have practically accepted the same principle as was followed in old times, namely, that where Government are satisfied that there is really a deserving case, Government will consider the grant of any family allowance.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether it is a fact that detenus either in Hijli or in Presidency Jail confined under section 26 do not receive 9 annas 6 pies as declared here but only 2/3rd of that amount?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, as I said, these rules have been promulgated recently. If there is anything which we have said we are going to give and which is not being received, I can assure the House that I am prepared to go into that case thoroughly and if any representation is made to me I shall try and see that what we have suggested is given. I would even go further. These rules have been promulgated recently and we will see into their working and if any little modification can be made which will give the detenus the amenities which perhaps to a certain extent they enjoyed before, I am prepared to consider that. The only thing

which I cannot agree to is that we cannot give them cash allowances. That is the only difference between the former rules and the present ones.

(At this stage the Secretary read out the next question but many members rose to put supplementary questions on the present question.)

Mr. SPEAKER: I am very sorry. First of all it is an important question and members should not have put it as an unstarred question. I find of late it is almost going to be an abuse. An unstarred question does not deserve so much cross-examination. The House has been deprived of a suitable reply. At present I am allowing further supplementaries but I hope members will remember this.

Mr. SIBNATH BANERJEE: Members are allowed to put only 10 questions. Therefore, they have no choice in the matter.

Mr. SPEAKER: Then revise the rules.

Mr. NIHARENDU DUTTA MAZUMDAR: I have a supplementary question to put on this unstarred question.

I am thankful to the Hon'ble Home Minister for informing the House that the question of granting allowances to the dependants of detenus will be considered and that Government is prepared to grant them to deserving cases. Will the Hon'ble Minister be pleased to state what are the conditions on which cases will be regarded as deserving of being granted such allowances?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not think that is a question that I can go into here. It is a question of detail and the matter can be left to me. If anybody wants to discuss the question that can be done afterwards. I will be very glad to discuss with any member but I cannot go into details here on this occasion.

Mr. NIHARENDU DUTTA MAZUMDAR: Will it be enough by saying that a detenu was the only earning member and certain persons were dependant on the earnings of the detenu with a view to enable him to get the former rate of allowance?

Mr. SPEAKER: That is problematic. That is a matter which cannot be answered in a question.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Minister says "deserving cases".

Mr. SPEAKER: But you have not asked that question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state for illustration what cases will be regarded as deserving cases for the dependants of detenus to receive allowances granted by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am not prepared to commit matters in supplementaries on a question like this. As I have said, I am prepared to discuss with members, if they like, what is the position and explain to them on what principles allowances will be given.

Mr. SIBNATH BANERJEE: Can we discuss it after the Assembly session to-day?

Mr. SPEAKER: It is for the Hon'ble Home Minister to arrange.

Mr. NIHARENDU DUTTA MAZUMDAR: Yes, Sir. We shall be quite willing to discuss the matter and come to a conclusion.

(The Secretary called out question No. 22.)

Mr. SPEAKER: May I draw the attention of the department to the answer they have given? They have answered much more than the question demanded. I hope Government will look to it. For example, there is nothing in this question as to what Government intend to do. What action Government have taken on this matter, that is the question.

If Government want to issue a communiqué on the subject later on, they can do so. But such a long answer is not at all desirable; the first paragraph covers about 20 lines.

The Hon'ble Mr. TAMIZUDDIN KHAN: I shall take note of this.

Purchase of jute by Mill authorities.

22. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what has been the result of the contract which the Government made with the Jute Mill authorities to the effect that the latter will, up till December, 1940, buy jute at prices not less than Rs. 7 to Rs. 9 per maund?

(*b*) Have the Mill authorities up till now acted in accordance with the contract?

(*c*) If so, how much jute have they bought?

(*d*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state what action the Government have taken in the matter?

(*e*) If no action has yet been taken, will the Hon'ble Minister be pleased to state whether he proposes to take any action in the matter?

(*f*) If so, what and when?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) The effect of the agreement between Government and the Indian Jute Mills' Association regarding prices had, in the beginning of the season, a salutary effect but later it became apparent that owing to lack of buying support, prices in the mufassal were sagging below what may be called parity with the mills' Calcutta prices and that the cultivator was not getting the benefit that he ought to have got from this arrangement. Government made continuous efforts to induce the mills to increase their purchase of jute in order to support the mufassal market but without much success. The question was then taken up of revising the arrangement with the Indian Jute Mills' Association so as to ensure more extensive purchasing by the mills at satisfactory rates. Ultimately the Mills' Association put forward certain revised proposals but Government found these unsatisfactory and decided to seek the assistance of the Central Government. As a result, a conference has been called of representatives of the jute-growing provinces and of the mills which will meet at Delhi on the 4th December to decide on ways and means of disposing of this year's crop at a level of prices which is fair to all concerned, particularly to the grower.

(*b*) A number of mills have acted in accordance with the arrangement made and a few resorted to various methods of evasion. Generally speaking, mills failed to give the arrangement the unanimous and whole-hearted support that was necessary to make it really effective.

(*c*) Up to the end of October mills purchased about 24 lakhs of bales.

(*d*) to (*f*) I have already indicated the action taken by Government. The whole question will now be discussed between representatives of the Central Government, the jute-growing provinces and the mill industry. I cannot anticipate either the results of that conference nor the action which this Government may take in the light of the decisions arrived at there. I can only say that this Government is determined to do all that lies in its power to maintain the level of jute prices during the rest of the current season and thereafter.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state why the mill authorities failed to keep the contract? Was it intentionally done with a view to lower down the prices or was it obligatory on their part?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state why the mill authorities failed to keep the contract?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is not a fact. It was only a few mills which did not keep to the terms of the contract, but others did.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state what steps Government took against the mill authorities for not working up to the contract?

The Hon'ble Mr. TAMIZUDDIN KHAN: I wish my friend had been a lawyer. For a matter like this I do not know what legal action Government could have taken. It was only persuasion that might be resorted to, and that was resorted to, to any extent.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to the answer of the Hon'ble Minister, viz., "A number of mills have acted in accordance with the arrangement made and a few resorted to various methods of evasion", is Government contemplating any special steps with a view to compel compliance with the arrangement and to stop this form of evasion by powerful concerns and jute mills?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government does not consider it feasible to compel the mill authorities to keep to the terms. If anyone can show Government how such a course is feasible, Government will be only too glad to accept it.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state the names of the mills which resorted to such evasion?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know the names.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please repeat what he said? I could not follow him. Does he refuse to give the names?

Mr. SPEAKER: He does not know the names of the mills.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*) "Up to the end of October mills purchased about 24 lakhs of bales", will the Hon'ble Minister be pleased to state what was the corresponding purchase during the last year for the same period?

The Hon'ble Mr. TAMIZUDDIN KHAN: Last year was an exceptional year. It was, I think, 41 lakhs.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that the mills evaded the agreement by demanding delivery of a higher quality of jute which is not available in Bengal or is not available in sufficient quantity this season?

The Hon'ble Mr. TAMIZUDDIN KHAN: That is not a fact.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that bottoms are not being purchased by the Indian Jute Mills Association which are this year largely available in the mufassal?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not understand my friend's question. He says that the Association has been making purchases.

Dr. NALINAKSHA SANYAL: No, no; the Association does not purchase.

The Hon'ble Mr. TAMIZUDDIN KHAN: But your question was like that.

Dr. NALINAKSHA SANYAL: All right, I shall put it in this way. Is it a fact that the jute mills under the Association evade purchase as per the agreement by demanding a higher quality of jute than what is available in adequate quantity in the mufassal this year?

The Hon'ble Mr. TAMIZUDDIN KHAN: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what is the demand for bottoms by the jute mills this year compared to similar demand in the last year?

The Hon'ble Mr. TAMIZUDDIN KHAN: First of all, Sir, I do not know how this arises.

Dr. NALINAKSHA SANYAL: May we know the source of his information that the jute mills are not this time keeping to the agreement by demanding delivery of a better quality than is available?

Dr. NALINAKSHA SANYAL: What is not a fact? I want to know the source of his information.

Mr. SPEAKER: He has denied it.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the mills belonging to that Association submitted a proposal to Government that they are prepared to purchase bottoms at Rs. 4-8?

The Hon'ble Mr. TAMIZUDDIN KHAN: No, Sir.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state if it is a fact that the mills have invented a new grade of jute, called "low bottom"?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know whether they have already invented anything, but they pfoposed to set up a new standard.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is a fact that Government is avoiding taking steps to compel them to come to the arrangements for fear of losing the European votes?

Mr. SPEAKER: That question does not arise.

Indianisation of superior posts in Medical Department.

23. Khan Sahib HAMIDUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the principle adopted by Government for the Indianisation of superior posts in the Medical Department?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing from April, 1937, up to this time—

(1) which,

(2) how many, and

(3) by whom,

superior posts in the department have been filled up by qualified non-I.M.S. Indian officers?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) what steps the Government propose taking for maintaining communal ratio in the matter of such Indianisation; and

(*ii*) what are the posts which the Government propose to Indianise in near future?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Government have consistently followed the principle of keeping the number of superior posts reserved for the I.M.S. restricted as much as possible and of appointing Indians with suitable qualifications to posts released from reservation for the I.M.S. after advertising the post.

(*b*) A statement giving the information is laid on the table.

(*c*) (*i*) Government intend to maintain the communal ratio in superior posts which may be Indianised provided candidates with suitable qualifications to fill these posts are available.

(*ii*) Government have the matter under consideration.

Statement referred to in the reply to clause (b) of unstarred question No. 23.

Posts.	Filled by.
1. Professor of Pathology, Medical College, Calcutta.	Dr. Bishnupada Trivedi, M.B., D.B.
2. Professor of Chemistry, Medical College, Calcutta.	Rai Dr. K. N. Bagchi Bahadur, B.S.c. (Cal.), M.B. (Cal.), D.T.M. (Cal. & L'pool), F.I.C., (Lond.).
3. Resident Surgeon, Medical College Hospital, Calcutta.	Dr. Kumar Kanti Ghosh, M.B. (Cal.).
4. Resident Physician, Medical College Hospital, Calcutta.	Dr. Habibar Rahman, B.Sc., M.B. (Cal.).
5. Professor of Entomology, School of Tropical Medicine, Calcutta.	Dr. D. N. Roy (officiating in addition to his own duties as Assistant Professor of Entomology at the same institution).
6. Professor of Medicine, Medical College, Calcutta.	Dr. Manindra Nath De, M.B. (Cal.), M.R.C.P. (Lond.).
7. Professor of Medical Jurisprudence, Medical College, Calcutta.	Dr. D. Ahmed, O.B.E.
8. Police Surgeon, Calcutta ..	Rai Sahib Dr. Srish Chandra Sarkar (officiating).

Donation by Maharaja of Lalgola for construction of a Tuberculosis Ward at Berhampore.

24. Mr. SASANKA SEKHAR SANYAL: (*a*) Will the Hon'ble Minister in charge of the Public Health (Medical) Department be pleased to state—

(*i*) whether the Maharaja of Lalgola has offered a donation for the initial cost of construction of a Tuberculosis Ward to be attached to the Sadar Hospital at Berhampore; if so, what is the amount so offered;

(*ii*) whether it is a fact that the offered money has not been appropriated, because Government have not yet been able to settle with the Berhampore Municipality a particular land near the hospital which has been selected and approved as the site for the proposed Tuberculosis Ward;

(*iii*) how long the Government are in correspondence with the Berhampore Municipality on the one hand and the Maharaja of Lalgola on the other over the proposal of the settlement of the particular land and the appropriation of the Maharaja's offer; and

(*iv*) how long the Government will take to complete the preliminaries and to avail of the offer?

(*b*) Is the Hon'ble Minister considering the desirability of expediting the settlement?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) Yes. Rs.13,500 as reported by the Berhampore Municipality.

(*ii*) to (*iv*) The land required for the establishment of the Tuberculosis clinic is a khasmahal land. It is now the policy of Government, not to make a gift of Government land to local bodies, as this would amount to a hidden subsidy at the expense of public revenues which would deprive the Legislature of its right and power of control over the expenditure of the Province. Government have, therefore, been corresponding with the Commissioner, in order that a fair rental and *salami* for the plot in question might be settled with the Municipality, so that Government might consider making an equivalent grant to the local body in order to enable it to obtain lease of the land.

(*b*) The matter will be expedited as far as possible.

Dr. NALINAKSHA SANYAL: With reference to answer (*a*)(*iii*) and (*iv*), will the Hon'ble Minister be pleased to state how long there was this correspondence going on, and how long the Government will take to come to a final decision?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I cannot say that offhand. It is difficult to say.

Dr. NALINAKSHA SANYAL: I am at your hand, Mr. Speaker. It may be that the Hon'ble Minister in charge of Public Health Department might not know, but I must expect the reply from the Hon'ble Revenue Minister.

Mr. SPEAKER: I must keep this particular question open for further supplementaries later on.

Members from Hooghly and Howrah districts on Selection Committee of Burdwan Ronaldshay Medical School.

25. Mr. TARAK NATH MUKHERJEA: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department be pleased to state—

(*a*) whether any principle is followed in appointing members for the Committee for the selection of candidates for admission into a Government School; and

(*b*) who are the members of the Selection Committee of the Burdwan Ronaldshay Medical School from Hooghly and Howrah districts respectively in 1940?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The number of members of the Selection Committee is limited and in nominating the members on the various Selection Committees as wide a representation as possible is given to the districts in the Division priority being given to the districts and interests contributing towards the maintenance of the hospital attached to the school. Public-spirited gentlemen within the Division are also selected irrespective of the districts to which they belong.

(*b*) There are no members from Hooghly and Howrah districts on the Selection Committee in 1940.

Separate cooking arrangements in jails for prisoners of different communities.

26. Babu NAGENDRA NATH SEN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether separate arrangements are maintained in all jails for cooking of meals of (1) Hindu and (2) Muslim inmates of jails in Bengal?

(*b*) If separate arrangements are not maintained in all jails, will the Hon'ble Minister be pleased to state the names of the jails where no separate arrangements are maintained?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) whether under-trial prisoners are allowed to cook themselves; and

(*ii*) whether under-trial prisoners are allowed to bring cooked food from outside?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Burdwan, Suri, Howrah, Krishnagar, Berhampore and Darjeeling.

(*c*) (*i*) Yes, in certain cases as specified in Jail Code Rule 926.

(*ii*) Yes.

Abolition of nominations to Local Bodies.

27. Khan Bahadur SHAH ABDUR RAUF: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether Government contemplate to bring in any legislation abolishing nominations in Local Bodies?

(*b*) If so, when?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The matter is under the consideration of Government.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state how long is the matter under the consideration of the Government and when do Government hope to come to a decision on the matter?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I hope in a week or two we will be able to come to a final decision.

GOVERNMENT BILLS.

The Bengal Tenancy (Amendment) Bill, 1940.

RECOMMENDATION OF HIS EXCELLENCY THE GOVERNOR.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the recommendation of His Excellency the Governor contained in his message be considered in detail.

Mr. SURENDRA NATH BISWAS: Sir, may I take this opportunity of submitting to the Ministry and to the members of this House

who support the Ministry to reconsider the fact whether it will not be better for allowing some mortgage other than complete usufructuary mortgage to be created between *raiyat* and *raiyat* or between a *raiyat* and an under-*raiyat* so that the under-*raiyat* or the *raiyat* may get loan from another *raiyat* or under-*raiyat* on such mortgage instead of selling his property outright to the third party. I submit that it is common knowledge that usufructuary mortgages are executed ordinarily between a *raiyat* and a *raiyat*——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On a point of order, Sir. Is the honourable member opposing or supporting the order?

Mr. SPEAKER: He is neither opposing nor supporting.

Rai HARENDRA NATH CHAUDHURI: How will the amendments be taken?

Mr. SPEAKER: You can either accept it or reject it.

Rai HARENDRA NATH CHAUDHURI: The whole of it?

Mr. SPEAKER: Yes.

Rai HARENDRA NATH CHAUDHURI: It relates to more than one section, Sir.

Mr. SPEAKER: That does not matter.

Dr. NALINAKSHA SANYAL: Is that the procedure you want to adopt, Sir?

Mr. SPEAKER: I cannot help it. All that I can do is that I can put it to vote so that you can exercise your right.

Rai HARENDRA NATH CHAUDHURI: Why are we not to be allowed to give our opinion separately, Sir?

Mr. SPEAKER: I am afraid, that is not possible.

Mr. SURENDRA NATH BISWAS: Sir, the Hon'ble Minister has asked whether I am opposing it or supporting it. I am supporting it but under a protest.

Sir, I have already submitted that usufructuary mortgages are ordinarily created by and between *raiyats* and under-*raiyats*. Now, as the ordinary usufructuary mortgages have been prohibited by the tenancy law, the *raiyats* and under-*raiyats* being pressed for money are being forced to sell their property outright, where they could raise the money required by them as loan by mortgaging their property on ordinary usufructuary mortgage. I submit, Sir, this has created a serious situation. If the Hon'ble Minister makes an enquiry at least from the members of the Coalition Party who are in touch with the agriculturists, he will come to know that by prohibiting the execution of ordinary usufructuary mortgages it is the *raiyats* and under-*raiyats* who have been made to suffer the most. I know of many instances where the *raiyats* and under-*raiyats* having failed to raise money by usufructuary mortgages, have been forced to sell their lands outright in order to raise money. As a result of that many *raiyats* and under-*raiyats* have been deprived of their land. This is the situation which, I believe, no member of the Coalition Party or of the Cabinet desires. I submit that the time had come when the Government and the Coalition members should have considered the situation which had been created by the provision of the tenancy law as I have stated above and brought a Bill to amend that law. I regret that instead of that the Governor has recommended for inclusion of mortgages by conditional sale into the same category with the ordinary usufructuary mortgages.

Rai HARENDRA NATH CHAUDHURI: Sir, section 26G of the Bengal Tenancy Act seems to be a very ill-starred section. It was introduced in the Bengal Tenancy Act by the Act of 1928. It was amended again by Act VI of 1938. It was further amended by the Bengal Tenancy Amendment Bill of this year. But, Sir, certain lacunae have been found in this third amendment also and there is the Governor's recommendation to cure these defects. But I find that the ideas underlying the amendments recommended still suffer from some confusion of thought.

With your permission, let me read out, Sir, the whole sub-section as recommended, otherwise my comments will not be intelligible. It runs as follows:—

"(*1*) For sub-section (*1a*) the following sub-section shall be substituted, namely:—

(*1a*) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract every mortgage (including a mortgage by condition sale) entered into by an occupancy *raiyat* in

respect of his holding or of a portion or share thereof in which possession of land is delivered to the mortgagee—

(*a*) which was so entered into before the commencement of the Bengal Tenancy (Amendment) Act, 1928, and was subsisting on or after the first day of August, 1937;

(Sir, I want to invite particular attention of the Hon'ble Minister to the portion that follows.)

(*b*) or which being other than a usufructuary mortgage having under sub-section (*1*) no force or effect was so entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928, and before the commencement of the Bengal Tenancy (Amendment) Act, 1940, and was subsisting on or after the commencement of the Bengal Tenancy (Amendment) Act, 1940,

shall be deemed to have taken effect as a complete usufructuary mortgage for the period mentioned in the instrument or for fifteen years, whichever is less."

Now, Sir, you will find that sub-clause (*b*) of recommended sub-section (*1a*) proposes to make provision for conversion into complete usufructuary mortgages of mortgages other than usufructuary mortgages which would have been invalid because of sub-section (*1*). These mortgages other than usufructuary mortgages which would have been invalid by operation of sub-section (*1*) would be construed as complete usufructuary mortgages. That it says in effect. But if you turn to section 26G(*1*), you will find that it does not refer at all to any mortgage "other than a usufructuary mortgage". Sub-section (*1*) of section 26G only relating to usufructuary mortgages firstly to complete usufructuary mortgages for 15 years which the sub-section permits and secondly to usufructuary mortgages other than such complete usufructuary mortgages which the section prohibits. There is no reference in section 26G(*1*) to mortgages other than usufructuary mortgages and so by section 26G(*1*) these classes of mortgages could not be rendered invalid. Therefore, I think that this expression "mortgage other than a usufructuary mortgage having under sub-section (*1*) no force or effect" is defective, because as I have submitted section 26G(*1*) does not invalidate any class of mortgages other than the banned type of usufructuary mortgage. Therefore, the assumption in recommended (*1a*) (*b*), viz., of mortgages "other than a usufructuary mortgage having no force or effect under sub-section (*1*)" is altogether baseless. It is an assumption without foundation.

Next, Sir, you will see that so far as the recommended amendments are concerned, they do not relate to the new ban which we have already passed, namely, that contained in clause 3(*2*)(*16*) of the Bill.

Sir Bijoy, will you kindly listen to me?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am all attention, Sir.

Rai HARENDRA NATH CHAUDHURI: I hope, Sir Bijoy, you will please try to understand my next point.

Further, Sir, you will see that by sub-clause (*b*) as recommended those anomalous mortgages which will be subsisting even after the commencement of the Bengal Tenancy Act, 1940, may be converted, if this amendment be passed; but look to the newly-amended sub-section (*1b*), which sub-section we have already passed, and to which no amendment has been suggested by the Governor for none of the objections raised by the Governor relates to that sub-section. That sub-section altogether bans any anomalous mortgage; in fact, any mortgage in which possession is delivered, other than a complete usufructuary mortgage, entered into after 1940, and runs thus:—"(*1b*) Notwithstanding anything contained elsewhere in this Act or in any other law or in any contract no mortgage (other than a complete usufructuary mortgage) entered into by an occupancy *raiyat* in respect of his holding or of a portion or share thereof after the commencement of the Bengal Tenancy (Amendment) Act, 1940, in which possession of land is delivered to the mortgagee shall have any force or effect". Thus clause 3(*2*) (*1b*) bans all mortgages with possession except complete usufructuary mortgages entered into after the Bengal Tenancy (Amendment) Act of 1940, but, Sir, you will find here that the recommended amendment (*1a*) (*b*) says that even a mortgage "other than a usufructuary mortgage entered into after the commencement of the Bengal Tenancy Act of 1928 and subsisting not only on but even after the Tenancy Act of 1940 shall be deemed to have the effect of a complete usufructuary mortgage" of the approved type, that is, (*1a*) (*b*) permits conversion of anomalous mortgages entered into after the Act of 1928 and even subsisting after 1940, whereas the new sub-section (*1b*) which has not been questioned by the Governor says that all such mortgages entered into after 1940 will be invalid. How can you contrary to the policy and provisions of 26G(*1*) not touched by the present Bill, and contrary also to the policy and provision of new (*1b*) introduced by the present Bill say that invalidated mortgages will be valid or converted or construed into complete usufructuary mortgages, of the approved type, I cannot understand. I think there is some hopeless inconsistency of ideas in this matter, and I hope the Hon'ble Minister would take this into consideration before he asked the House in the name of the Governor to pass the amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am sorry to say that I had great difficulty to follow the arguments of my honourable friend, Mr. Rai Chaudhuri.

Mr. SPEAKER: I am sorry to disturb you, Sir Bijoy. I hope you will be very brief.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I shall be as brief as possible.

I think the amendment suggested by the Governor has been clearly explained in the message, and I need not repeat the arguments that have been fully and very clearly stated in the message. If my honourable friend will carefully try to follow the message, I am sure he will be convinced of the justification for and cogency of the amendments suggested.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the recommendation of His Excellency the Governor contained in his message be considered in detail was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the following amendments, recommended by His Excellency the Governor in the Bengal Tenancy (Amendment) Bill, 1940, be passed, namely:—

(*1*) For sub-clause (*1*) of clause 3 of the Bill the following be substituted, namely:—

"(*1*) for sub-section (*1a*) the following sub-section shall be substituted, namely:—

'(*1a*) Notwithstanding anything contained in this Act or in any other law for the time being in force or in any contract, every mortgage (including a mortgage by condition sale) entered into by an occupancy *raiyat* in respect of his holding or of a portion or share thereof in which possession of land is delivered to the mortgagee—

(*a*) which was so entered into before the commencement of the Bengal Tenancy (Amendment) Act, 1928, and was subsisting on or after the first day of August, 1937,

(*b*) or which, being other than a usufructuary mortgage having under sub-section (*1*) no force or effect, was so entered into after the commencement of the Bengal Tenancy (Amendment) Act, 1928, and before the commencement of the Bengal Tenancy (Amendment) Act, 1940, and was subsisting on or after the commencement of the Bengal Tenancy (Amendment) Act, 1940,

shall be deemed to have taken effect as a complete usufructuary mortgage for the period mentioned in the instrument or of fifteen years, whichever is less.' "

(*2*) After sub-clause (*2*) of clause 3 of the Bill the following sub-clause be inserted, namely:—

"(*2A*) in sub-section (*4*)—

(*a*) in clause (*b*) after the words 'complete usufructuary mortgage' the word 'or' shall be inserted;

(*b*) after clause (*b*) the following clause shall be inserted, namely:—

'(*c*) a mortgage of such holding, portion or share [other than a complete usufructuary mortgage or a usufructuary mortgage referred to in clause (*b*)] in which possession of land is delivered to the mortgagee,' and

(*c*) for the proviso the following shall be substituted, namely:—

'Provided that—

(*i*) a document referred to in clauses (*a*) or (*b*) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1928, or

(*ii*) a document referred to in clause (*c*) which was executed before the commencement of the Bengal Tenancy (Amendment) Act, 1940,

may be so received in evidence or so acted upon as a complete usufructuary mortgage for the period mentioned therein or for fifteen years, whichever is less.' "

(*3*) In sub-clause (*5*) of clause 3 of the Bill, for the proposed sub-section (*13*) the following sub-section be substituted, namely:—

"(*13*) The Provisions of the Code of Civil Procedure, 1908, relating to appeals shall apply to all decrees or orders made under sub-sections (*10*) and (*11*), but notwithstanding anything contained in the Indian Limitation Act, 1908, or in this Act, the period of limitation for an appeal to the Court of a District Judge against any such decree or order shall be ninety days from the date of the decree or order appealed from."

(*4*) In clause 5 of the Bill, in the proviso to clause (*a*) of sub-section (*1*) of the proposed section 168A, for the words "if the term of the tenancy of the temporary settled estate" the following words be substituted, namely:—

"if, in any manner other than by surrender of the tenure or holding, the term of the tenancy."

The motion was then put and agreed to.

The Bengal Finance (Sales Tax) Bill, 1940.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir——

Mr. SPEAKER: I am anxious, Mr. Suhrawardy, that you will try to finish your speech within 20 or 25 minutes at the best so that the House may have sufficient time to take up the other items of business.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I shall try my level best to finish it within the time allotted to me, but I am certain that you more than anybody else realise the importance of this measure and will give me ample opportunity to reply to some of the points which have been raised, because this is a measure which is coming just on the eve of the next general election, and I know that my friends on the other side are hungrily waiting to take advantage of it.

As a matter of fact, Sir, I was on the point of beginning with that argument which has been advanced by some members opposite to the effect that even in a serious matter of this nature I could not give up my inherent spirit of levity. Sir, I was not joking when I asked my learned friends opposite to drop the pose of being *proja-bandhus*, *proja-hitakaris*, *proja-hitaishis*, and so on. I was not joking. I was very very serious, because I know my friends on the other side cannot afford

to take a realistic view of the situation. They must try and exploit every measure of Government for political purposes. A certain gentleman—I think it was Mr. Sasanka Sekhar Sanyal—admitted on the floor of the House that the Motor Spirit Sales Tax Bill was a good Bill and was free from many of the defects and evils of a Bill which fall upon poor cultivators. Nevertheless, in spite of that (Mr. SASANKA SEKHAR SANYAL: No, I did not say that.) If he rereads his speech he will find that he supported it during this speech, but when he spoke on the measure there was unqualified condemnation. The simple reason is that you cannot afford to speak the truth. If you did, if you came out and opposed the measure realistically. I think we would get on much better together than we are doing, and therefore it was not in a spirit of levity that I commenced my speech, but it was a very humble request to my friends opposite to realise not only the financial situation of Bengal, but also the difficulties of our people, and to try and relieve their distress. This is the one measure to-day by which we can hope to give them some relief and therefore I expected from my friends a certain degree of support.

Some honourable members on the other side have threatened us with Civil Disobedience. They said they would go from door to door and call upon persons not to pay the tax. I do not know whether they were serious about it or not. But they can go about organising Civil Disobedience; this Government also knows how to deal with that Civil Disobedience. Some honourable members have stated that Ministers going to the mofussil will be belaboured for the manner in which they have bungled the jute problem, and for the price at which it stands to-day. But may I ask who are the persons who are really responsible. If you had followed the advice of the Ministers the position would not have been like this. It is you on the other side who are responsible for it. When we announced restricted cultivation you rose to a man to oppose it. You seem to forget your own responsibility in this matter. There is not the least doubt that we did our level best to raise the price of jute and when the time will come for us to render an account of ourselves I do not know who will be the persons who will be belaboured, if any is belaboured at all.

I do hope that the forthcoming elections will not be vitiated by a controversy on the Sales Tax, and by false issues which come so easily to members opposite.

I am afraid, Sir, that my appeal to them to drop their pose of being friends of the agriculturists has fallen on deaf ears, and they have not lost the opportunity of this debate to proclaim that the poor agriculturists will have to pay this tax. Now, Sir, varying views have been ventilated on the floor of the House as to who is ultimately going to pay. In the first place Mr. Sassoon, a rich consumer, says: "We have been paying super-tax, we have been paying all kinds of taxes for the war and we cannot afford to pay this tax." Mr. Jalan thinks that

the tax will fall on traders. Dr. Sanyal also thinks that it would not be possible for the trader to pass on the tax to the consumer and therefore he holds that it will not generally be the poor consumer who will pay, but that it will have to be paid by the trader. On the other hand, Mr. Sarker, who apparently has been reading some books on the subject, has read out certain copy book maxims and he informs us that it has been ascertained that in America a large portion of taxation, about 60 per cent. of it, falls on the poor. Mr. Sarker ought to take a realistic view of the situation, and he ought to know the difference that exists between America and Bengal and the poor in America and the poor in Bengal. So far as the poor of Bengal are concerned, he ought to know that the requirements of the poor in Bengal are very, very few. If a poor man in Bengal can buy two pieces of cloth in a year, he thinks he is well off. To turn round and say that the tax will fall on the poor is, to say the least, ridiculous. The poor in America are richer than those whom we call the lower middle class in Bengal, and to say that because taxes fall on the poor in America, they must fall on the poor in Bengal also is, I am afraid, to lose sight of the realities of the situation.

It has also been said that we have done nothing for the agriculturists and have not increased their capacity to pay. When we came to the Assembly and took charge of our office, it was pointed out to us that the foremost problem was to stop the extortion of the zemindars and the money-lenders. We have now practically abolished *abwabs* from Bengal. It may be that it has not been abolished altogether. That is impossible and will continue and as long as there are rapacious men here—and I find many such men in the Opposition benches—the poor tenants will have to pay *abwabs*. (Mr. Santosh Kumar Basu: How many rapacious men are there in the Ministry of Bengal?) None at all. (Laughter from the Opposition benches.) We have adopted a self-denying ordinance. Then, Sir, some portion of the money which every agriculturist had to pay to the coffers of the zemindars now remains with him. We have abolished the landlord's fee, and surely some portion of that money which would have gone to the landlord now remains with the tenant. We have established a vast network of debt settlement boards which has given relief to a large number of agriculturists. Surely now they are in a better position to pay for the amelioration of their own condition and for their own benefit than before. We have introduced the Money-lenders Bill, and that will merely benefit the agriculturists in Bengal more than any one else. To turn round now and say that their capacity has not risen is an attempt merely to carry on propaganda with an eye to the future. We hope, Sir, that in the markets we shall be able to abolish the various kinds of tolls or illegal exactions that are prevalent. The tenants are now in a better position to pay than they have been hitherto. After all, it is a question of mathematics that for every article worth 12 annas there will be a

taxation of one pice. Is that too much to pay? Are not the ordinary fluctuations in price of much greater magnitude than that? Before the war the price of piece-goods and cotton goods fell down to a considerable extent and as soon as the war came, the price of those goods rose in some cases to double, and in others to at least 25 to 33 per cent.——

Dr. NALINAKSHA SANYAL: Never, it did not rise for cloth.

Mr. SPEAKER: I am sorry, Dr. Sanyal, you cannot obstruct the proceedings of the House in this way. You cannot cross-examine him. If you have got anything to say you can say that later on.

Dr. NALINAKSHA SANYAL: I am only requesting——

Mr. SPEAKER: I am sorry, I will not allow you to obstruct the proceedings of this House.

Mr. SANTOSH KUMAR BASU: He never cross-examined. He simply said "never".

Mr. SPEAKER: Dr. Sanyal has been interrupting the speaker for the last 20 minutes. There is a limit and Dr. Sanyal's interruptions have exceeded that limit. His interruptions have gained notoriety all over India, if not all over the world.

Mr. SANTOSH KUMAR BASU: You are giving Dr. Sanyal a compliment which he really deserves.

The Hon'ble Mr. H. S. SUHRAWARDY: I think Dr. Sanyal is ignorant also. The price rose from those figures at which the piece-goods were sold before the war to at least 25 per cent. to 33 per cent. At that time the tenants were able to afford it. He knows it perfectly well that these things happened But now we propose to levy only a 2 per cent. tax and it is pointed out that the tenant will not be able to afford it, although this tax will go ultimately hundred-fold to his benefit.

Another point to which I would like to refer is a maxim of our Finance Expert, Mr. Sarker. He says that the correct method or procedure is to create deficits and having created deficits levy taxes for the purposes of meeting them. Theoretically he is right. The creation of deficit implies that there are certain schemes in operation and for continuing those schemes you raise money. But, Sir, this, if I may say so, applies not to a subordinate Government like that of Bengal. It may be possible for a Government like that of India. They can raise loan, they have their Reserve Bank at their command, and they can mint money. We cannot do that. So far as we are concerned,

•if we run deficits, then there is no hope whatsoever of our being able to raise a loan. Hitherto we have found that difficulty in our way. This theory can be flogged up to a point, but not beyond that. For a subordinate Government there must be sufficient reserve. If we allow this Government to run deficits, the credit of the Government of Bengal in the financial world will not be high. I want that the credit of this Government in the financial world should remain high and, therefore, I take pride in bringing this measure which will ensure us reserves, instead of asking for money from time to time to meet deficits. Sir, Mr. Sassoon has been complimented for his speech by some members of the Krishak Proja Party and some members of the Congress Party. The salient point of Mr. Sassoon's speech was that no further money should be spent on the various nation-building departments and that we should cry a halt. I can quite understand, Sir, Mr. Sassoon making this point. He is not concerned with the expansion of the nation-building departments and he is not concerned with the welfare of the people—I am sorry to say so. But at the same time I did not expect that an honourable member could say on the floor of the house of a representative Assembly that money should not be spent on nation-building departments. What is more, Mr. Sassoon has stated that on a normal budget there was no necessity for additional taxation. But may I ask him, what is a normal budget? Is it a starved budget or a budget which should meet the imperative requirements of the people? If the Meston Award had placed enough money at our disposal so that the administration of Bengal could have been run in a proper manner along with the other provinces of India, we might have agreed to the proposal that we should cry a halt. The European members should consider that the administration of Bengal has been so long run in a starved fashion and it is now high time that it was expanded.

Sir, it has been said that it is not an opportune moment for the imposition of a sales tax because we are passing through a period of depression. But the honourable members may know that it was during the time of depression that the American Sales Tax was imposed. I may tell the House it is impossible without further taxation to undertake our contemplated nation-building activities. (Mr. JOGESH CHANDRA GUPTA: Why not retrench?) It is a point that has been raised. You will realise that we have been retrenching for a long, long time. I have pointed out that to this House several times, but you will raise it on every occasion. This Government had, for some considerable time before the Niemeyer award, been running into deficits. We had at the helm a capable Finance Member, probably one of the most careful we have had the good fortune to have; his whole time was spent in examining and in effecting retrenchment as much as possible so much so, that the standard of administration of Bengal has been brought to the lowest depths possible consistently with keeping our heads above water. It is impossible to retrench further. Our standard of pay is

much less than that of any other province. We should surely like that a certain standard should be maintained. If you desire to lower that standard—we think we have reached a pretty low standard—if you desire to lower it further, in spite of the fact that we have retrenched up to, if I may say so, decent limits, I would like to have, instead of a general statement, some concrete proposals, and I will examine any suggestions that may be put forward by any side of the House.

Dr. NALINAKSHA SANYAL: Follow the Swan Committee.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Sassoon has stated that on account of the war we should not have the sales tax. War is made an excuse for every argument. Sir, this and the Punjab are practically the only Governments in the whole of India that have supported the Government of India and the British Government in their war efforts. We are the only Governments that have not opposed it. This is the only Government, I say, that is anxious——

Dr. NALINAKSHA SANYAL: What a shame!

The Hon'ble Mr. H. S. SUHRAWARDY: I do not care whether it is a shame or not. We feel that our interests are bound up with the interests of the British Empire. If you really want the war efforts to be successful, you must make the people happy. Don't bring up this war, don't trot out this argument with regard to war, in order to keep the level of the happiness of the people low. The standard must rise and improve. You must try and continue to give them relief and bring happiness to their doors. I therefore think, Sir, that seriously speaking, if you want the people should participate in war efforts, you can only make them do so if you raise their standard and bring health and prosperity to their homes.

Somebody said that we had not even extended rural credit. The honourable gentleman does not know that only this year we have set apart Rs. 60 lakhs for rural credit and our agricultural loans and other relief have been somewhere in the region of Rs. 1½ crores. The policy which we pursue is different from that pursued by previous Governments. Formerly people used to starve and die. Famine was not declared, and help was tardily given except in their extreme case. Whenever there is distress at the present moment we try our level best to relieve the distress from its very inception, and I think that the resources of Bengal devoted to this purpose are rightly spent and nobody ought to object to it.

A further point has been raised regarding the primary need of the agriculturists. It is a matter that will certainly be discussed in the Select Committee. I am quite prepared to consider those cases which affect agriculturists' interests most and where relief should be given

There are certain items as a matter of fact that have struck me. I don't think I should declare them at the moment on the floor of the House. But those are matters that will be taken into consideration.

Now I come to the assurances for which Mr. Sassoon has asked. Mr. Sassoon wishes me to give him an assurance that no expenditure will be incurred in any new services. This is merely elaborating the procedure contemplated by the Government of India. Although I hate to give assurances on the floor of the House, yet in this matter I am glad to give him the assurance because it falls into line with our policy. But in an emergency measure if we think that the House will support us in a matter which requires taking steps, then we should be at liberty to do so and then come to the House and take the earliest opportunity to get the sanction. The second assurance that is asked for is that this money should not be utilised for the purpose of purchase of raw jute, and that if that is going to be done, separate arrangement should be made for financing the same. I have not the slightest hesitation in giving this assurance. We have never said for a moment that the money that we will be raising will be used for the purchase of raw jute. If we shall have to purchase raw jute we shall do so from some other fund. As regards the third point which he has raised—I do not think he was serious about it—namely, that the agricultural loan should be paid from a capital fund and should not be drawn from the provincial balances, I think this is a very simple matter. I may point out to Mr. Sassoon that it would cause a real burden, so far as payment of interest is concerned, on the provincial exchequer if we go in for capitalisation. I think he will agree with me that in the case of a long-term loan there is advantage in capitalising it, but if it is in respect of a loan which has to come back in nine months or a year or two years, the case is different. If there are reserves available, there is no reason why we should go into the market and raise a loan and pay interest on that amount. Mr. Sassoon has said that we have been squandering the provincial balances. I do not know, Sir, whether it was spoken from his book or not, but I am to some extent anticipating my Budget Speech when I disclose that the closing balance at the end of 1940 was 216 lakhs. At that time on the 31st March, 30 lakhs worth of provincial treasury bills were outstanding. Therefore, we may take it that the closing balance was somewhere in the region of 186 lakhs—a figure that does not suggest that there has been any serious depletion of the provincial balances. Sir, I am fully alive to the necessity of watching the crop loans and cash credits made available to such institutions as Central Co-operative Banks, and I shall make the best endeavour to see that the risk of having to write off any appreciable amount as a result of bad debts is reduced to a minimum. Then Mr. Sassoon has asked whether we will consult a Standing Finance Committee before giving effect to new nation-building schemes. Sir, there has been a certain amount of doubt

as to what exactly are the duties of the Standing Finance Committee. I shall certainly think over the matter and, if necessary, place certain proposals before them.

Dr. NALINAKSHA SANYAL: Where is that Committee?

The Hon'ble Mr. H. S. SUHRAWARDY: There is a Committee somewhere in the air.

Dr. NALINAKSHA SANYAL: In your imagination?

The Hon'ble Mr. H. S. SUHRAWARDY: It exists in the imagination of Mr. Sassoon and myself. I am speaking to him and it will suffice.

Now, Sir, with regard to the other taxation proposals I do not think it will be right on my part to adumbrate them at this stage, but it is certain that fresh taxation will have to be imposed. Should it become necessary to bring forward such proposals, I shall certainly take the House into our confidence and bring forward these taxation proposals before them for their acceptance.

Sir, I would now like to make a last appeal to the House to support this measure. Nobody likes taxation proposals. I detest them. I would never have dreamt of introducing this measure had it not been that the finances of Bengal and the needs of our people demand that we should supplement our resources for the purpose of ministering to their needs.

Sir, I commend my motion to the acceptance of the House.

Mr. SPEAKER: After recording their votes the members need not come back to the House because there will be prayer interval. I will announce the division after the prayer interval.

The motion of Mr. Abu Hossain Sarkar that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1941, was then put and a division taken with the following result:—

(After adjournment.)

AYES—72.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Ahmed Khan, Mr. Syed.
Akimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barma, Mr. Puspajit.
Barman, Babu Upendra Nath.
Basu, Mr. Jitendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakravarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.

Choudhuri, Rai Narendra Nath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Mahtab, Maharajkumar Uday Chand.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukerjea, Mr. Tarakanath, M.B.E.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nasher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarker, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maninendra Bhusan.
Sur, Mr. Narendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

NOES—124.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Gomes, Mr. S. A.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Haddow, Mr. R. R.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hosina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Hirtzel, Mr. H. A. F.
Jaimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
Mackregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Benoy Behari.

Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sinclair, Mr. J. F.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 72 and the Noes 124, the motion was lost.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

Mr. SPEAKER: Mr. Chippendale, do you want to move the amendment standing in your name?

Mr. J. W. CHIPPENDALE: Yes, Sir. I beg to move that after the name of Mr. Ramizuddin Ahmed, the name of Mr. W. C. Patton be inserted. Sir,——

Mr. SPEAKER: That will do. No speech is necessary.

The motion of Mr. J. W. Chippendale was then put and agreed to.

The motion of the Hon'ble Mr. H. S. Suhrawardy as amended that the Bengal Finance (Sales Tax) Bill, 1941, be referred to a Select Committee consisting of—

(*1*) Alhaj Maulvi Giasuddin Ahmed Chowdhury,

(*2*) Khan Bahadur Maulvi Mahtabuddin Ahmed,

(*3*) Mr. Ahmed Ali Mridha,

(*4*) Mr. Md. Mohsin Ali,

(*5*) Rai Sahib Kirit Bhusan Das,

(6) Mr. Devi Prosad Khaitan,

(7) Sir Henry Birkmyre, Bart.,

(8) Mr. H. R. Norton,

(9) Mr. Ramizuddin Ahmed,

(10) Mr. W. C. Patton, and

(11) the Hon'ble Mr. H. S. Suhrawardy,

with instructions to submit their report by the 21st December, 1940, the number of members forming the quorum being four, was then put and a division taken with the following result:—

AYES—118.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid, Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Karim, Mr.
Abdul Majid, Maulvi.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. C.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Gyasuddain Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Pannai, Al-Hadj Maulvi.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Sriochandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Noeruddin, Mr. K.
Norton, Mr. H. R.
Patton, Mr. W. C.
Rahman, Khan Bahadur, A. M. L.

Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Lilta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Sinclair, Mr. J. F.
Tamizuddin Khan, the Hon'ble Mr.
Tofie Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—73.

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barma, Mr. Puspajit.
Barman, Babu Upendra Nath.
Basu, Mr. Santosh Kumar.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das, Mr. Monmohan.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Manirazzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukerjea, Mr. Taraknath, M.B.E.
Mukherjee, Mr. B.
Mukherji, Dr. H. C.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Nausher Ali, Mr. Syed.
Paul, Sir Hari Sanker.
Prammanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarker, Mr. Nalini Ranjan.
Sen, Mr. Atul Chandra.
Sen, Rai Bahadur Jogesh Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Tapuriah, Rai Bahadur Moongtu Lall.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 118 and the Noes 73, the motion was agreed to.

Privilege motion.

Mr. SIBNATH BANERJEE: On a matter of privilege, Sir. I sent a notice——

Mr. SPEAKER: I have received it. It will be taken up after the motion of Sir Nazimuddin.

Mr. SIBNATH BANERJEE: Sir, I hear that the Assembly is going to be prorogued to-day.

Mr. SPEAKER: In that case I will take it up to-day before the business is over.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, are you giving an assurance that it will be discussed before the business of the day is over?

Mr. SPEAKER: I can't say it now. I must first hear what Sir Nazimuddin has got to say on this.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the first question is whether it is a question of privilege at all.

Mr. SPEAKER: It is a recommendation.

The Hon'ble Khwaja Sir NAZIMUDDIN: The recommendation itself is not a privilege motion.

Mr. SPEAKER: It will be discussed afterwards.

Mr. SIBNATH BANERJEE: Sir, cannot it be discussed to-day?

Mr. SPEAKER: I will take it up later and there will be first discussion on the points as to whether it is a motion or not.

GOVERNMENT BILL.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to introduce the Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940.

(The Secretary then read out the short title of the Bill.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I also beg to——

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. We have received notice of a motion disapproving the Removal of Disqualifications (Amendment) Ordinance.

Mr. SPEAKER: That is an Ordinance.

Mr. NIHARENDU DUTTA MAZUMDAR: But, Sir, the same subject matter is involved. My point of order is this, that in view of that notice, the present Bill could not have precedence. If the motion is not taken up before the Bill is decided, it will have no meaning whatsoever.

Mr. SPEAKER: That has nothing to do with this Bill. That is altogether different.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that the Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, be taken into consideration.

Mr. SASANKA SEKHAR SANYAL: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th December, 1940.

Sir, I propose to make very few observations on this question. The Bill, as it stands, looks very simple, but when analysed it raises a question of very vital consideration. It is not merely giving the member of the Legislature an ordinary privilege, but it also amounts to dragging the entire province of Bengal to the commitment of the principles of the war which is now going on.

Mr. Speaker, Sir, the primary function of a member of the Legislature is to devote his entire energy and services and available time to the electorate and the burning questions of the electorate and his presence in the Assembly or in the Council is extremely necessary in the interests of the public that he represents. Sir, ordinarily it would be a very bad precedent if members who represent vast constituencies and vaster causes are allowed to keep away from the normal functions of the Legislature and, Sir, when the question of the main Act was discussed on the floor of the House in 1907 even part-time Government servants such as Public Prosecutors and Government Pleaders were also subjected to vigorous criticisms on the ground of the necessity of the Legislature concerned. Now, Sir, the whole question is whether the electorates permit them to be absent from their normal functions. It is ultimately a question in which the electorates are concerned, and it is not permissible for the members of this House to assume the rôle of the trustees of the province and to excuse absences on the part of these representatives.

Besides that, there is the question of the acceptance of the war aims themselves. Sir, this Bill aims in a subtle way to drag the entire province of Bengal to a commitment of the war aims of Great Britain. Sir, the matter has now been discussed in the Press, on the platform and inside the Houses of Legislatures all over India. You know, Sir, that on the question of Great Britains war aims seven Governments in

various provinces have gone out of office. Not only that, on account of this vital question constitution has been suspended in seven out of the eleven provinces of India and, Sir, in the remaining provinces the question has been debated upon and by far the greatest majority of people are against the present war aims of Great Britain. In this context, it will not do for us to forget the recent debate in the Central Legislature itself. There all the majority parties, namely, the Congress, the Muslim League and the Hindu Mahasabha and all the other parties also, have given their considered verdict against the present war aims of Great Britain and to-day here on the floor of the House we shall be failing in our duty unless we make it perfectly clear that we are not going to excuse the absence of members on the ground that their services are necessary in connection with the war. We have made it abundantly clear. Although India is at war, it is not a war in the interests of India, and so we as Indians must stand solidly together and try to ventilate whatever little protests we can make against this war and its aims. My submission to the Hon'ble Minister in charge and my appeal to the members of the Coalition Party is that in this vital question we should not submit lying down and give a blank cheque to the Provincial Government in their attempt to get this Bill passed My suspicion has been strengthened fully to-day by the speech of the Hon'ble Mr. Suhrawardy when he made observations in connection with the General Sales Tax Bill that this Government is the only Government which support the British war efforts. That may be a glory for Mr. Suhrawardy; that may be a glory for this stupefied Government, but it is a matter of shame to Indians. And I want to make it clear that that is a matter of shame for Bengalis as a whole. Even the Muslim League by which the Hon'ble Ministers swear—that Muslim League has made it abundantly clear that unless there is a revision in the war aims, they have nothing to do with the war. If the Hon'ble Minister really thinks that the present Cabinet can carry the electorate with them on the war issue, I would challenge them to have a general election on that issue. Mr. Suhrawardy is very confident and makes bold assertions. Here is a challenge from me most humbly offered to him. I say, well, Sir, come out to the constituencies on this very simple question whether Bengal is or is not in favour of Britain's war efforts, and I am certain about what the result would be. The Opposition benches will get further swelled and the Coalition benches will get considerably depleted and nine out of the ten Ministers will have to vacate their seats. If the House accepts this motion and we go out to the people, then within a fortnight or so the voice of Bengal will be ringing forth against the activities of Government.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir,——

Mr. SPEAKER: Mr. Dutta Mazumdar, we are anxious to expedite our business to-day as far as possible. Will it be possible for you to make a very short speech on this special occasion?

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I have very strong points of principle with regard to this Bill, and to do justice to them I shall have to speak a little longer than usual.

Mr. SPEAKER: But, Mr. Dutta Mazumdar, you know that as a matter of fact this principle was discussed on the last occasion.

Rai HARENDRA NATH CHAUDHURI: No, Sir, not this very principle.

Mr. SPEAKER: Might be, but it was almost an identical matter.

Rai HARENDRA NATH CHANDHURI: I submit that there is a substantial difference between them.

Mr. NIHARENDU DUTTA MAZUMDAR: I submit that this is the first opportunity I am availing of on this question and with a view to give proper expression to the points of principle involved in this Bill I hope you will kindly give me full opportunity to do so.

Mr. SPEAKER: In that case, I am afraid, Mr. Dutta Mazumdar, I must take up the special motion on jute first.

Special Motion.

Dr. NALINAKSHA SANYAL: Sir, I rise to move the special motion under rule 95(*1*) of the Bengal Legislative Assembly Procedure Rules relating to the jute situation, but I seek your indulgence to read the motion in the following terms:—

Sir, I move that this Assembly is of opinion that the Government of Bengal should take immediate steps to ensure higher prices of raw jute for the cultivators in the current season by adopting such necessary and suitable measures as may be economically justifiable.

Mr. SPEAKER: I was told that you will not go into detail.

Dr. NALINAKSHA SANYAL: I believe this will make my intention much clearer than leaving the resolution as it is.

Mr. SPEAKER: To ensure higher prices of raw jute for the current season.

Dr. NALINAKSHA SANYAL: As I have already submitted to you, my intention is not to embarrass the Government nor at the same time to give an impression to the country that we are giving the Government a blank cheque. No democratic constitution can function unless the Government had on their own responsibility brought up their whole scheme and sought our opinion——

Mr. SPEAKER: Then the matter cannot be discussed to-day. It will have to wait.

Dr. NALINAKSHA SANYAL: Let us see if the Hon'ble Minister has any objection. I have only modified the resolution with the words "by adopting such necessary and suitable measures as may be economically justifiable." If the Hon'ble Minister has any objection, I shall not move it of course.

Mr. SPEAKER: Mr. Suhrawardy, have you any objection to the addition of these words "as may be economically justifiable"?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, there is no objection.

Dr. NALINAKSHA SANYAL: Thank you very much. I move this motion not with a spirit of trapping the Coalition Party or the Government into something that they did not like to go into. I must make that abundantly clear. I wanted to make my position clear only with a view to see that there may not be any misunderstanding of the real intention or meaning of the resolution. Sir, I shall not dilate on matters——

Mr. SYED JALALUDDIN HASHEMY: I rise on a point of order. Three names appear in the special motion. I would like to know whether Mr. Abu Hossain Sarkar is prepared to accept the amendment.

Mr. SPEAKER: The motion also stands in his name.

Mr. SYED JALALUDDIN HASHEMY: I wanted to know whether the honourable member consents to the amendment.

Again, Sir, I have another point of order to raise. How can Mr. K. Shahabuddin be a party to the resolution? He is a member of the Government. It must come from a member of the Coalition Party. Mr. Khwaja Shahabuddin cannot be a party to such a resolution.

Mr. SPEAKER: I am sorry. You know even a resolution of the House is an expression of opinion. Even the Hon'ble Finance Minister can move a resolution.

Mr. SHAHEDALI: On a point of order, Sir——

Mr. SPEAKER: I hope you will remember that it was with great difficulty that I could persuade Government to give 1 hour and 15 minutes. If you are anxious to discuss the motion, by all means do it.

Mr. SHAHEDALI: There was an amendment in my name. May I know if it was accepted or rejected?

Mr. SPEAKER: I will ask the Hon'ble Finance Minister as to whether he accepts the motion or not.

The Hon'ble Mr. H. S. SUHRAWARDY: I accepted the special motion on certain terms. It was an agreed motion from all parts of the House and there is no room for that amendment.

Mr. SPEAKER: If you do not accept, that is all right.

Mr. M. SHAMSUDDIN AHMED: I do not quite follow Mr. Suhrawardy when he says that there was an agreed motion from all parts of the House. When did the occasion arise? My own motion has been tabled about jute affair. You know, Sir, very well others were ruled out.

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member does not know that we were called upon to agree to a special motion. If I had not agreed to that special motion, the motion could not be discussed on the floor of the House to-day. I have agreed to a certain special motion and I stick to it.

Mr. SYED JALALUDDIN HASHEMY: But not in that form.

Mr. SPEAKER: I can dispose of this matter straightaway. Mr. Hashemy and Mr. Giasuddin have given notice of some amendments.

Mr. Hashemy, I find that your motion is not in order.

Mr. SYED JALALUDDIN HASHEMY: Why not, Sir? May I know the reason?

Mr. SPEAKER: For the simple reason that your motion is not an expression of opinion.

Mr. SYED JALALUDDIN HASHEMY: It is an expression of opinion, Sir, I have said "regret".

Mr. SPEAKER: I am sorry; but "regret" is not an expression of opinion. It may be an abstract opinion, but it is not an opinion according to the rules.

Dr. NALINAKSHA SANYAL: Sir, we are all aware that certain Hon'ble Ministers of Bengal are proceeding to-night to Delhi to attend an important Conference on this burning question. Sir, the whole of Bengal is thoroughly agitated over the problem of jute, and it is only meet and proper that we, the members of the Legislature, when the Assembly is in session, should get some opportunity to state what we would like the Hon'ble Minister to convey to Delhi and we would expect them to give us some idea, if they are in a position to do so, as to what they intend to do in Delhi.

Sir, we have so far found that the Bengal Government, as represented by the present Ministry, have signally failed to ensure better prices of jute for the agriculturists. In spite of their promises in 1937, they have signally failed to maintain and ensure a minimum price of jute which some of them, at any rate, had eloquently promised at the time of the last general election. Thereafter, time after time, they have taken certain measures, all of which, if I am permitted to say so, have gone to the benefit not of the cultivators of Bengal but of some other section or sections. The first Ordinance that they had issued was in the year 1938 relating to the hours of work in the jute mills. I would like——

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Is the honourable member in order in reviewing the entire jute policy of Government from 1937, and am I expected to reply to all these points? I think this motion was regarding the present position, and I was to explain to the House as to how we may meet the situation. If I am called upon to review the whole policy of Government, then it is impossible for us to finish the debate within an hour and a quarter.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister will presently see the relevancy of my point. I shall briefly touch the various steps that Government have so far taken and what we would like them to do.

In 1938 they tried to help the millowners and the jute mill industries. Thereafter, as I had already pointed out, in August last they had six

Ordinances in all. Most of them, if not all, were directed to secure certain level of prices in the city of Calcutta and certain prices for those who were dealing in the *fatka* market. (The Hon'ble Mr. H. S. SUHRAWARDY: That was in 1939.) I have covered the whole period. (Maulvi ABU HOSSAIN SARKAR: He is very nervous about it!) (The Hon'ble Mr. H. S. SUHRAWARDY: There is no question of being nervous.) (Laughter from the Opposition benches.)

The next measure that Government attempted was to indulge in a series of communiqués, notices, assurances and interviews. This has had such an effect of creating a thorough unsettlement on the jute market that it is well known that Hon'ble Ministers have been accused of taking a personal interest in the affairs of the market. I am not, at this stage, stating anything as to whether there was any truth or otherwise in such rumours, but the manner in which some Ministers had been taking keen interest in the movements of prices in the *fatka* market made people suspect some foul play.

The third thing that they did was to embark upon a policy of compulsory restriction. I submit, Sir, in this connection that when the proposal for voluntary restriction was mooted several months or rather a few years ago and when we were called upon to examine the proposal about voluntary restriction, we made it abundantly clear that we, on this side of the House, did not have much faith in voluntary restriction and pressed Government to go ahead with measures for restriction of crop. At this stage Government did not take much note of our warnings. Thereafter they had adopted a hurried and most perfunctory method of registration of jute lands, and we had to draw their attention to the serious handicaps created by this haphazard method of registration, and we submitted that such a registration would not enable the Government to undertake a proper restriction and, therefore, we submitted that they ought not to continue their restriction proposal without previous revision of the registered jute lands. As a result thereof, Government on their own responsibility withdrew the restriction proposal for the last year. I take fullest responsibility for whatever we did in that connection, because we felt that in the interest of the cultivator himself there should be a better registration and a more thorough measure of registration. But, Sir, we never asked Government, when there was a threatened restriction of demand, when Government knew well and nobody knew better than the Government of Bengal did, that there would be difficulties in freight, that there was a likelihood of large production, we did not advise Government to issue communiqués, notes and promises assuring the peasantry of Bengal that they would be given a bumper price and Government would try to maintain the price as high as Rs. 85 and above per bale for the *fatka* market. The Hon'ble the Chief Minister gave such assurance. We never thought of giving any advice to the Government as to the

desirability of maintaing artificially a high rate of price at a time when everybody knew that there was no likelihood of such a price being maintained. Trade and Commerce were not allowed to have their independent play and, when I on the floor of this House drew attention of the Hon'ble Minister in charge to the fact that the laws of economics are inexorable and they would have their play inevitably, the Hon'ble the Finance Minister said that he was not prepared to accept that and he was prepared to stake his head,—to break his head on stonewalls perhaps—to prove the contrary. Hon'ble Mr. Suhrawardy then had propounded a new economic theory. The theory was that he would not regulate the supply to suit the demand, but would try to control the demand in the interest of supply. Possibly the House remembers that theory. Thereafter, Sir, the Government took another step. Whenever they found that the prices could not be maintained, they thought in the interests of some unknown person, of stopping the entire jute futures market and they contemplated an Ordinance for the time being to stop the operation in the futures market. At first they restricted the prices for which they would operate and thereafter they had to even go to the length of advising the East India Jute Association not to go on with their transaction. Even that would not help. Government then decided in their wisdom, again not in the interests of cultivators but in the interests of two or three beneficiaries in Calcutta, while there was no crop in the hands of the cultivators, to maintain the *fatka* price at Calcutta at a minimum of Rs. 60 and they decided purchasing old jute crop at Rs. 60 or near about per bale. Thereby they risked Rs. 30 lakhs of the revenues of Bengal in that game. Who profited in that game? One of those who profited is the firm of Mr. M. A. Ispahani who sold about 5,000 bales of jute. The price in the market at that moment was about Rs. 52, but he sold to Government at Rs. 58 or Rs. 59 per bale, and this was the lot he had from the firm of Kanaiya Lal Lohia.

Sir, there have been also opportunities opened up for certain agents to make huge profits by selling their own holdings which otherwise would be sold in the market at a low price, and fetching a good margin out of that. Thus, Sir, that attempt of Government also failed to ensure better prices for the future crop that was coming in the following season.

Now, Sir, we hear that the Government are thinking of some other glorious measure, a measure which, if rumour is to be believed in or relied on, depends upon the granting of a loan of nearly six crores of rupees by the Government of India which will enable the Government of Bengal to purchase a substantial quantity of the present year's stock. As I have not got much time to devote to this question to-night, I will not go into details of the figures—some other speakers might—and I would only submit that this is another great blunder Government

is contemplating. It is impossible for the Government of Bengal alone to undertake this heavy liability of purchasing jute, and it is impossible for them overnight to set up the suitable machinery of purchase at least for this current year.

Sir, I shall now come to my specific suggestion. My concrete proposal is with a view to show how Government can help the poor agriculturists of Bengal and not content themselves merely with entering into an agreement with certain parties with full knowledge that an agreement of that character could not be adhered to or complied with—an agreement with interested parties like the Jute Mills Association. That was another blunder which I would like the Hon'ble Minister to avoid.

I submit that the time has come for the Government of Bengal to approach the Government of India and tell them—"here is a problem which is a problem of problems not only for Bengal, but also for several other provinces, and should be tackled in the interest of the growers in all these provinces." The Government of India can be compelled to intervene in the matter, or otherwise, under section 103 of the Government of India Act, the Government of India should be requested to take over the administration and legislation in connection with jute and jute manufactures. Then the Government of India will be in a position to see that the Governments of Bihar, Orissa and Assam and, if necessary, the United Provinces do come in line with the whole programme we want to follow We have been restricting our crop. The House might remember, Sir, that if we restrict the area of our land under jute by 66⅔ per cent. as we have proposed next year, we shall be left to the one-third acreage and there will be a corresponding increase in the proportion of jute land in adjoining provinces. As a consequence, if there is a larger production of jute in other provinces, they will have a larger share of jute export duty also and Bengal's finances will suffer terribly. I submit, let the Government of India take over the administration of jute for the following reasons. The first reason is that this is a product in which several provinces are interested. Therefore, the Government of Bengal alone cannot think of any measure which might completely deal with the question satisfactorily. The second point is that there is an expert body like the Indian Central Jute Committee which can always be relied upon by the Government of India for advice and guidance, because that expert committee is associated with the Government of India.

Mr. C. W. MILES: On a point of information, Sir. Are we to understand that the Congress Party are asking the Government of India to step in and regulate the jute acreage in India?

Dr. NALINAKSHA SANYAL: Mr. Miles may be informed that the views I am giving are my personal views and not those of my party.

If Government have got a scheme and place the same for examination, then my party will give its considered views on such a scheme.

Mr. C. W. MILES: These are your personal views?

Dr. NALINAKSHA SANYAL: Yes.

Then, Sir, the third argument is that the Government of India may alone undertake the heavy responsibility, financial and otherwise, for the purchase of this product. As you are all aware, even if we want to keep back a substantial quantity of the present year's surplus crop, namely, 60 lakhs of bales we shall require such a huge amount of money that the Government of Bengal can never conceive of procuring, either from revenue or from loans, the required sum for this purpose. Again, surely, if the Government of India are to be requested for finding the money or guaranteeing the money to be raised by way of loan which the Government of Bengal would raise, there is no reason why the Government of India will not say, "When we are paying the Bill, why should we not also have the responsibility of taking over the administration of jute?"

Then, Sir, I may submit most humbly that the credit of Bengal is so low that it would be impossible for the Government of Bengal, even if they get the permission from the Government of India, to raise the necessary amount of loan required for this purpose. That is abundantly made clear from the weekly sales of Treasury Bills. We find in the market on the sale of their Treasury Bills the Government of Bengal are paying two to three annas more than what the Government of Madras are paying on their Bills in Calcutta where you find money in plenty. To-day the credit of the Government of Bengal is so low that they cannot get the Treasury Bills sold at a reasonable rate, a rate at which even the Madras Government can obtain money in the city of Calcutta.

Further, Sir, the mercantile community has lost all confidence in the Bengal Government. I submit that even when the Government of India will be asked to take over the responsibility, the mercantile community cannot be forgotten, and measures will have to be taken to re-establish the confidence which the Bengal Government has lost.

Mr. SPEAKER: Is that the meaning of your resolution that Government should take steps to hand it to the Government of India?

Dr. NALINAKSHA SANYAL: I don't want to give a blank cheque——

Mr. SPEAKER: What I am asking you is this. You say in the resolution that the Government of Bengal should take measures for increasing the price of jute which will be economic. Now you suggest that they should hand it over to the Government of India.

Dr. NALINAKSHA SANYAL: That is one of the measures they may take. I may submit also that there cannot be any doubt about the possibility of storage being arranged by traders. It can be arranged by traders even now if they get the proper assurance of a fair price being maintained for two, three or five years. A guarantee of this nature is called for. If it is given many persons will come forward to help the Government of Bengal and the jute-growers of Bengal in raising the price higher up and maintaining the same.

With these words, I move my motion.

Mr. W. A. M. WALKER: Mr. Speaker, Sir, it is with considerable reluctance that I rise to speak at all on this amended resolution. In the opinion of my party, it is both untimely and unnecessary. Dr. Sanyal has as usual delved deeply into the past. If he expects me to make any comments on what he has said or to give him any particulars regarding the Conference at Delhi, I am afraid he is mistaken. I should say that our views are best expressed in the words in which the Hon'ble Minister for Agriculture replied to a question to-day. He said:—

"As a result a Conference has been called of representatives of the jute-growing provinces and of the mills which will meet at Delhi on the 4th December to decide on ways and means of disposing of this year's crop at a level of prices which is fair to all concerned, particularly to the grower."

It is quite possible, Sir, that members of this House have not read the communiqué which was issued by the Central Government. The Central Government issued the following note: "Discussions on jute situation were held in New Delhi on Saturday, the 16th of November, between the representatives of the Government of India and of the Government of Bengal. The position arising out of the anticipated surplus of raw jute in the current year and the crop restrictions which the Government of Bengal have definitely decided to enforce during the coming season was considered in all its aspects and various alternative lines of action calculated to promote the welfare of all the interests concerned, and of the jute-growers in particular. The final decision on the matter was postponed until after a further conference which will be convened by the Government of India at New Delhi in the first week of December at which the representatives of the Government of the jute-growing provinces and of the mill industries will be

invited to attend." I think these words express sufficiently the intentions of all concerned to do everything which lies in their power in the best interests of the provinces concerned and of the growers in particular, and I think in these circumstances, Sir, all that we can say is that we will be going to the Conference at New Delhi in that spirit. And I do not think we need say anything more about what we intend to do there. We shall merely hope that what we achieve there will be in the best interests of all concerned.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, the subject-matter under discussion to-night is of very great importance to the province as a whole. The province, particularly the cultivators, the growers of jute, whether they will live or die, is the main question to be solved. Unfortunately, due to causes, some beyond our control, beyond the control of the Ministry, and others within their control, the present situation, the present depressing situation, in jute we are faced with. I shall now give some of the causes which appear to me to have brought about this situation. First of all, due to the war in which we have to participate without our consent, there has been a loss of three-fifths of the export market of raw jute. To it is added the difficulties due to exchange control and shipping. Then there has been an over-production this season estimated at twenty-five lakhs of bales. We have also to realise that there is an absolute want of holding powers of the growers, but that they are forced to sell as soon as they can skin their jute and run to the market. We also know that the arbitrary change of standards introduced by the buyers has also got a depressing effect. Lastly, there is the unwillingness on the part of the mill-owners to maintain the usual stock of the mills. Then there are too many middlemen appropriating at least 25 per cent. of the prices. As against that we have got to know certain facts. The hessian market has not been lost to that extent. America who is the biggest buyer still continues to buy, and though we have lost three-fifths of the raw jute market, at least 50 per cent. of the hessian market is still available. Then, about 9 or 10 lakhs of bales have been taken up by the war sand bag orders. We also know that the mills have hardly 4 months' stock, their annual requirements being about 50 lakhs. But we also know that in the past, during depression time, the mills had as much as 18 months' stock. I can give figures and Mr. Walker need not be surprised.

Then, again, we know that the standard marks have been kept intact for the last two years, though now a new standard is being introduced. We have also to take note that the past experience in the organisation of sale societies of jute and co-operative buying has not been successful and we also know that the recent purchase in Calcutta by Government, if not scandalous has been most unbusinesslike, and

the purchase of jute at Calcutta when jute had passed out of the hands of the growers did not help the cultivators at all. Therefore, the question is how are we going to solve this difficult problem?

First of all, there must be an understanding between the provinces of Bengal, Bihar and Orissa and Assam so that we may not place our growers under any handicap. Then there must be arrangement for absorption of the stock by persuading jute mill-owners to maintain a stock, and if they maintain a stock for 10 months the whole of the surplus stock available will be absorbed. But before they are persuaded to do so, it must be linked up with a jute restriction scheme in order to assure them that if they maintain the stock there will be such a restriction in production that the price of the stock will not fall. And along with it it is not unlikely that the jute mill-owners will demand that a guarantee should be given in case they suffer a loss. The Central Government who have been realising in the shape of jute duty such huge amounts in the past should be persuaded to give that guarantee. Then the standard mark of jute must be stabilised, particularly this year. It is well known that on account of scarcity of water due to want of rainfall this year's quality has deteriorated and if in fixing a minimum price on the basis of a standard we do not take note of the present quality of jute it will not help the growers.

In order to maintain a stock of ten months the mills have got storage facilities necessary for doing so. I am not in favour of Government themselves entering into jute buying business and jute sale business. They have not got the agency necessary. They have not got the storing facilities. They must come in as guarantors and they must help the mills to absorb the surplus stock. It is not at all difficult for them, to maintain a stock for ten months, and thus absorb the 25 lakhs of surplus bales.

Then the Government also ought to try to eliminate the middle-men as far as possible. Supposing the bottom grade of jute is fixed at Rs. 6 per maund, unless the middle-men are eliminated to some extent the bottom grade of jute will not fetch so far as the growers are concerned more than Rs. 4-8. It is a very practical proposition. Sir, I am not speaking theoretically. We had faced that situation during the last war on getting the news of a jute cultivator having committed suicide in the market after failing to sell jute even at Rs. 2; I approached the then local authorities at Dacca, the Commissioner and the Collector. We amongst ourselves thought out a plan for arranging for the purchase of jute from the cultivators direct. We visited the Narainganj Chamber of Commerce, requested them to send out their launches with some of the boats, while we undertook to arrange that the cultivators would come at certain definite places on definite days in their boats and sell the jute which ought to be weighed with the help of an English scale and certain prices to be given. I know very

well that after great difficulty the officials could persuade some of the merchants to accept that proposal. There were others who came upon them and at once questioned: "Where were you when Nawab Salimulla and Babu Ananda Chandra Ray advised the cultivators not to sell jute and so on." Even then, it was possible, and we did eliminate some middle-men and could put money in the hands of the cultivators. Government can easily do that. From my experience—I come from a jute district in Bengal—and from my past experience during the crisis after the last Great War, I can say that if we people put our heads together, if we calculate what is economically just and fair, if we seek the co-operation of the mill-owners and the buying agencies, it is possible to help the cultivators. But if we want to merely fix a price or if Government intervenes, while they have no facilities either for correct purchase or weighment or for storing, they are bound to land into difficulties.

The immediate step should be that we should persuade the mill authorities who in the past have maintained as much as a year's stock always, their present stock is not even enough four months. We ought to persuade them and they ought to agree to it. If they do not agree, Government ought to know how they can make them do so. I think that it is possible without interfering with the usual jute business and after discussing with them to decide how things can be done to arrive at that figure. After the last war, when there was a slump and some of the mill-owners did not agree, we had to go and take the help of His Excellency Lord Carmichael who told some of those jute merchants that His Excellency came from Dundee and that it was no good making a long face, and they were made to buy. I know some of them; a little amount of appeal to these people and persuasion will be necessary, and that is how if Government is minded to help the growers they can help, and on behalf of the Opposition I unreservedly place our services at the disposal of Government and the jute mill-owners in Bengal, in bringing out a reasonable scheme by which we can possibly ensure higher prices. It is not a matter of discussion here and then forgetting all about it, but the matter is too serious. The jute mills ought to understand that unless the prices are improved, their business stands the risk of extinction. There is bound to be disorder—not the ordinary strikes, but there is bound to be much more serious disorder. I have not appealed only to the patriotic sentiment. I know the Scotch merchants will certainly consider the question. At present we know that the hessian market stands at Rs. 12 or Rs. 12-8, and it is easy to give a price of Rs. 8-8 for raw jute even if we assume that the hessian market will go down to Rs. 10 which is about the lowest that hessian market has touched. I am speaking from general information that a price which will be a little more than the actual growing price of the jute can easily be arranged. I do not believe that the Government of India should do everything. The Government of India should

co-ordinate the activities of the different provinces having regard to the critical situation, but each Provincial Government will have to work out the provincial scheme. They will have to consult the interests concerned. They will have to find out which is the best organisation to carry out the scheme.

With these words I want the Government to take all necessary steps, no unnecessary steps, no arbitrary steps. There should be no idea of getting all these purchases made through some of their brokers and *dalals* who have let the province down during the past transactions. With these words, without taking more time of the House, I commend the resolution for the acceptance of this House, and I hope Government will consider the suggestions I have given.

Mr. SYED JALALUDDIN HASHEMY: Sir, I had not the least desire to speak on a motion so unhappily worded, if I may be permitted to say so, so ill-worded, but Mr. Walker has given me the inspiration to speak and therefore I must speak. Mr. Walker very conveniently quoted a few sentences of the Hon'ble Mr. Tamizuddin Khan, which he gave in reply to a question this evening. Mr. Walker is not here; otherwise, I would have quoted other sentences of the Hon'ble Mr. Tamizuddin Khan. I will read it out at least for the members of his party. Government made continuous effort to induce the mills to increase the purchase of jute in order to support the mufassal market, but without much success. Ultimately the Mills Association put forward certain revised proposals, but Government found them unsatisfactory and decided to seek the assistance of the Central Government. The Hon'ble Mr. Tamizuddin Khan suggests that a number of mills have acted in accordance with the arrangements made and a few resorted to various methods of evasion. Sir, the Indian Jute Mills Association disregarded and dishonoured the agreement entered into with the Government of Bengal. The primary responsibility of this crisis in Bengal lies with the Indian Jute Mills Association. Now I will later on explain that this Government is equally responsible for this crisis, economic crisis in Bengal. Sir, we expect that Indian Jute Mills Association will at least honour their own decision and act up to the agreement entered into with the Government of Bengal. Now, what is the guarantee that the Jute Mills Association will abide by the decision arrived at in the forthcoming Conference? Sir, the result of the Conference is a foregone conclusion. As far as I am aware, other provinces will refuse to co-operate with the plan of the Government of Bengal, with the scheme now devised by the Government of Bengal, and there are reasons behind it. And, Sir, I am sure that the Hon'ble Ministers who are now going to Delhi in alliance with the Jute Mills Association will come back from Delhi with mere *Delhi ka laddoos* and nothing else. I will request Mr. Suhrawardy,

the Finance Minister, to hear me for a minute. I will remind him of the election pledge given by the Leader of the Proja Party and the Leader of the Muslim League Party. I will not bring in those election pledges. I will remind him of the election pledge. Then, Sir, they accidently came to power. After that the people of Bengal expected that true to their pledge they would fix the minimum price of jute for the cultivators of Bengal. Far from doing anything, they went on passing Ordinance after Ordinance in the interest of the futures market of Calcutta. Later on, in spite of our insistent demand, Government took recourse to the scheme of voluntary restriction of jute and ultimately it failed. Sir, the people of Bengal—I mean the jute-growers of Bengal—suffered that loss from 1918 onwards. If there was no assurance from the part of the Government, if there was no circular from the Government, if there was no pamphlet on behalf of the Government in the rural area, the cultivators of Bengal might have remained content with their luck and they would not grudge to sell their jute at 2 or 3 rupees per maund. After the assurance given by the Government by their circulars, communiqués and appeals, etc., these cultivators were tempted to grow more jute and there is surplus now. This is obligatory on the part of the Government to take a definite step for increasing the level of the price of jute at this stage. Sir, it is no use for the Council of Ministers to go to Delhi and take money from the Government of India at a time when the Government of India is not in a position to advance any money to any Provincial Government. Sir, we have no new suggestions to give to the Government of Bengal. The only suggestion that we can give is to redeem their election pledge to fix the minimum price of jute at Rs. 10 per maund for the cultivators of Bengal. And, Sir, if I remember aright, the Ministers were very jubilant when they entered into a contract with the Indian Jute Mills Association. They thought that they would carry on and that the price of jute would rise up to at least from Rs. 7 to Rs. 9. But, Sir, we know the European mentality. They do not know anything but their pocket! The Indian Jute Mills Association is here exploiting the poor cultivators of Bengal. It is absolutely unnecessary to hold a Conference with that Association which has, knowing fully well the difficulties of Government, disregarded the contract entered into with the Government of Bengal.

Sir, our suggestion to the Government will be to resign if they cannot fulfil the pledge which they gave when they came here. Of course, it is not our business to give them any suggestion. But it is their duty, it is their moral obligation, to find out a solution. The Hon'ble Minister in charge of Agriculture knows very well that he has failed to do anything in this respect and that he has been made a cat's paw by the Hon'ble Finance Minister. In these circumstances, he should resign and let a better man step in, and it will be his duty to

find out a solution. Our only request is that the Ministry should resign on this issue. For four long years they have attempted, if they have attempted at all, to solve this problem and they have failed. Now it is high time for them to resign. Of all the Ministers, I would ask the Hon'ble Mr. Tamizuddin Khan to resign because he is the Minister in charge of the portfolio of Agriculture. Let him resign and come to the Opposition once more.

Maulvi ABU HOSSAIN SARKAR: We won't accept him any more.

Mr. SYED JALALUDDIN HASHEMY: And then, Sir, we will find out a solution for this. You go to the mufassal of Bengal and then see. Perhaps the Hon'ble Finance Minister will reply to-day to this challenge and say that if there is any Civil Disobedience he knows how to deal with that. This is another occasion for the peasants of Bengal, the cultivators of Bengal, to start the Civil Disobedience Movement against this Government and the time is not very far when the Hon'ble Ministers will see that for themselves. I will also ask them in my challenge to remain prepared to deal with the Civil Disobedience; I mean, the agrarian revolution that is to come as a result of their ill-conceived, ill-designed policy with regard to the price of jute in Bengal. Sir, if Government wanted to do anything honestly they could have done it, but they have done everything in their own interests, in their own personal financial interests. They are afraid of the Indian Jute Mills Association; otherwise, they know what the solution is and how to deal with the situation. Are they not capable of issuing some Ordinance against the members of the Indian Jute Mills Association? They have failed to do so because they are afraid of the members of the Indian Jute Mills Association. If they have courage let them come forward and stop all jute mills of Bengal by issuing some Ordinance. Let the peasants keep their own jute. Next year let the whole of Bengal go without jute. Let the Ministers come with an Ordinance and stop all the mills owned by European interests.

Khan Bahadur Maulvi HASHEM ALI KHAN: Sir, I beg to support the resolution moved by Dr. Nalinaksha Sanyal. Sir, the resolution is so very important to our vital interests that I do not think many words are needed to support it. It is known to all that the prosperity of the country and for that matter the happiness of the people mainly depends upon the problem of jute, and it is due to the heavy fall in the price of jute that the whole economic structure of Bengal has tumbled down.

Maulvi ABU HOSSAIN SARKAR: Government structure!

Khan Bahadur Maulvi HASHEM ALI KHAN: Government are anxious for the people and for the interests of the people.

Dr. NALINAKSHA SANYAL: Johnny Walker is still going strong!

Khan Bahadur Maulvi HASHEM ALI KHAN: And until and unless these problems can be satisfactorily solved, we believe that the future of Bengal will be dark and gloomy. We are thankful to Government for having taken various measures, one after another, during the last two years for ensuring better prices of jute, but I am sorry to say that, ill-conceived as the measures were, they proved abortive. The first measure adopted by Government was the issue of an Ordinance for the restriction of jute cultivation. That Ordinance was issued just after a long session of the Assembly was over, and at a time when there was no trace of jute in the field and when direct evidence was not available of the actual production of jute, and when the recorders had to depend on the verbal statements of the jute-growers. There was a vehement opposition in the House against that Ordinance at the next session of the Assembly when it was found that the statement regarding the record of production was not accurate and complete and therefore on the verdict of the House that Ordinance was subsequently withdrawn. Then, Sir, an attempt was made to ensure a higher price of jute, by its purchase by Government, and as a matter of fact jute worth Rs. 30 lakhs was purchased by Government in June last. Unfortunately, however, the benefit of it did not at all reach the cultivators, but was appropriated by the intermediaries between the grower and the consumer. Thereafter, an agreement was arrived at between Government and the Jute Mills Association or the jute mill-owners, but as we could gather now from a reply to a question to-day, no effect has been given to it. Then, Sir, the minimum prices of jute for the futures market were fixed at Rs. 60 and Rs. 90, but no one did purchase at those prices and jute was actually selling at a much lower figure. Then recently in August and September last a circular was issued by the beat of drums and by the Circle Officers in the mufassal areas asking the jute-growers not to sell jute, and as a result of that most of the cultivators who could sell it at Rs. 5-8 or Rs. 6 a maund had to hold it up. So, Sir, I am of opinion that Government is legally and morally bound to make all amends to the suffering cultivators. Therefore, I say, this is just the time to adopt measures for fixing the price of jute.

Sir, we are very grateful to Government that they have at last adopted a policy of restriction and licences are being issued now to jute-growers asking them to cultivate only one-third of the areas previously under jute cultivation. This is a right policy adopted by

Government and they assure us that if this restriction scheme is carried out very strictly, then next year we shall not have any surplus stock of jute, not to speak of any surplus, it would not even be up to the actual demand for next year.

Now, Sir, the only question which is now left to Government to adopt —although I think my learned friend, Dr. Sanyal, will not agree with me on this question—is that the surplus stock of jute must be purchased either by Government alone through licensed *mahajans* and *farias* or by an association who can stock jute, or by big *mahajans*, leaving a certain margin of profit to the cultivator. If the cost of cultivation is Rs. 5, the price should be Rs. 6. Now, Sir, the question is how to do it. We heard day before yesterday that we shall have to face a deficit budget next year and to balance it we shall have to adopt certain taxation proposals. Therefore, Sir, we have no surplus money with which to purchase this jute and with a view to secure money the Hon'ble the Chief Minister, the Home Minister, and the Finance Minister are going to Delhi to discuss ways and means for the purchase of the surplus stock.

Mr. M. SHAMSUDDIN AHMED: What about the Agriculture Minister who is in charge of jute?

Khan Bahadur Maulvi HASHEM ALI KHAN: I shall come to that later on. I believe, Sir, until and unless Government adopt the policy of purchasing the surplus stock, the economic condition of Bengal will become very depressing indeed. Therefore, the question before us now is how to adopt and carry out this policy and what about the fund? I hope that when the three Ministers meet the Central Government at Delhi and press their demand vigorously before the Government of India, the latter will agree to advance sufficient money for the purchase of the surplus stock. As for the other jute-growing provinces concerned, from statistics we find that out of a total of 126 lakhs of bales of produce 100 lakhs of bales is the share of Bengal. So, practically, all the other provinces grow only a fourth part of what Bengal does. So, if the problem can be solved for Bengal, I do not think the other provinces would stand in our way; but even if they do, Bengal would be able to manage her own affairs without their help. Still I hope if our Hon'ble Ministers place these points before the Central Government and urge upon the Central Government to adopt measures to put pressure upon the three provinces to adopt restrictions, I think the Government of India will agree.

Now, Sir, as for the purchase, there might be surplus of 40 lakhs of bales. I do not say Government will purchase the entire 40 lakhs of bales. If the Government purchase even half, all the *banyas*, *mahajans* and other stockists will know that the Government are making purchase

and holding on, and they will have the assurance that the price will rise in the next year and the big *mahajans* and stockists will also purchase at a higher price.

Now, for these 20 lakhs of bales I do not think more than 4 or 5 crores will be required, and this money will be got from the Government. As for the purchase, for the consideration of the Government of Bengal I want to make certain suggestions. Of course I have got no sympathy for or belief in the Marwaris or other merchants here in Calcutta. But there are *farias* in rural areas, in *hats* and markets. They are experts—not like the experts here—but they are honest experts, they are honest people. My suggestion before the Government is that first issue an Ordinance restricting moisturing of jute so that stockists and *mahajans* may not suffer on account of that. Second, to adopt a policy of issuing a licence for *mahajans* and stockists in the mufassal. Without any such licence no *mahajans* or stockists will be able to purchase in rural areas. Also issue licence for *farias* in the mufassal fixing the minimum price and noting it on the back of the licence so that the cultivators might know that this is the price fixed by the Government and they may not be forced or induced to sell below that price. Now, if these *farias* are paid due commissions, they will purchase in the local markets and will bring it to the licensed *mahajans* and stockists for storing.

Then comes the question of storing. As far as my experience goes there are *arats*, or stores or godowns of mill-owners in markets where jute is sold. Now, the Government can easily take charge of these godowns in these markets on equitable and fair rent. I do not like that Government will take forcible possession of these godowns. But on payment of equitable rent, the question of storage will be easily solved. Now, the Government and *mahajans* will sell the jute to the mill-owners, in order that *mahajans* and *farias* may not sell directly, Government Inspectors may be appointed to supervise the transaction. If Government adopt this policy and accept my suggestions, I think cultivators will get better price.

As regards transferring power to the Government of India suggested by Dr. Nalinaksha Sanyal, I am sorry I am opposed to it and by any means I cannot accept it in the face of the resolution which is before us. Of course, we may take help from the Government of India to put pressure upon the jute mills to purchase jute and also to put pressure upon the neighbouring provinces like Bihar and Orissa where they grow jute in abundance.

As for the European jute mill-owners, of course I am sorry that they have not given effect to the agreement entered into between them and the Government, and I hope that in the interest and prosperity of this

country from which they are also going to be prosperous, they should join hands with us so that the cultivators in this province may get a better price for jute.

(Mr. Surendra Nath Biswas rose to speak.)

Mr. SPEAKER: I am sorry, Mr. Biswas. There is no more time. The Hon'ble Minister will now speak.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out that already three members of the Opposition have spoken of whom two are from the Congress Party and both of them are great experts in jute?

Mr. SURENDRA NATH BISWAS: May I have only two minutes?

(Several other members also rose to speak.)

Mr. SPEAKER: It will be impossible for me to accommodate if one member is followed by another and he is followed by a third.

Mr. NIHARENDU DUTTA MAZUMDAR: May I make a submission, Sir? You assured me that if one speech is cut short, then the labour interest in the industrial side of the jute problem which has got to express their views will get an opportunity to speak. It is their misfortune——

Mr. SPEAKER: My difficulty is that labour members cannot claim the right of a party in this House until they form a party. If Mr. Hashemy had concluded his speech earlier, I could have managed, but he took another two minutes and there was not much time.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, you told me that if Mr. Hashemy instead of taking 15 minutes spoke for 10 minutes——

Mr. SPEAKER: But he did not.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, Mr. Hashemy began at——

Mr. SPEAKER: Order, order. I cannot argue with you.

Dr. NALINAKSHA SANYAL: Sir, can you not extend the time for discussion? Surely, you are not to be bound by the wishes of Government in this matter.

Mr. SPEAKER: I have absolute control in non-official days, but I cannot do it just now, because immediately after the Government business will be taken up.

Mr. SURENDRA NATH BISWAS: Sir, if I am given an opportunity to speak, I am prepared to give up all my amendments to the Bengal Legislature (Removal of Disqualifications) (Amendment) Bill.

Mr. SPEAKER: Is it possible to give another 10 minutes' time?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, if the honourable member withdraws all his amendments.

Mr. NIHARENDU DUTTA MAZUMDAR: Mr. Speaker, Sir, on this motion of Dr. Sanyal the House has got an opportunity for the first time to come to grips with the question of jute price. It has been the misfortune of this House always to see the question of the minimum price of jute being shelved time and again. Sir, right from the beginning of the term of this House, we on this side of the House have always been crying for the fixation of a minimum price of jute. That demand has been met by nothing but ridicule and high-handed arrogance on the part of the Hon'ble Ministers. I must remind this House to-day that long ago from the side of the Opposition the fixation of minimum price for jute was demanded. The Hon'ble the Chief Minister, Mr. A. K. Fazlul Huq, jeered at the idea and said that it was impossible to fix the minimum price for jute just as it was impossible to fix the minimum fee for a lawyer. That showed the mentality of the Hon'ble Ministers——

Mr. SPEAKER: You are not speaking on the resolution.

Mr. NIHARENDU DUTTA MAZUMDAR: The minimum price of jute is included in the subject matter of discussion.

Mr. SPEAKER: No.

Mr. NIHARENDU DUTTA MAZUMDAR: I shall refer you, Sir, to the wordings of the resolution. It is this:—

"immediate steps to ensure higher prices for raw jute."

This certainly includes the minimum price for jute.

Mr. SPEAKER: It does not.

Mr. NIHARENDU DUTTA MAZUMDAR: With due deference, I beg to differ from your decision.

Mr. SPEAKER: It is my decision that the question of minimum price is not the subject matter of the resolution.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, on the question of fixing up a higher price of jute, fixing up a stabler price of jute depends the economic prosperity of the agriculturist. We need not remind the House that so far the question of fixation of a stabler price for jute has gone by default. Here to-day we have got information from the Hon'ble Minister at question time that the Government wanted to induce the mills to increase their purchase of jute in order to support the mufassal market. More extensive purchasing by the jute mills at satisfactory rates was demanded and an arrangement was agreed to. Sir, at the same time in view of the disagreement on the part of the Jute Mills Association, the Government of Bengal sought the assistance of the Central Government and a Conference will be held shortly. Afterwards, the information goes, that many of the jute mills have adopted evasive method with a view to render this agreement absolutely devoid of any result. The reply given by the Hon'ble Minister to-day is an euphemistic characterisation of the sabotage done by the jute mills against the jute-growers. This Government say that they are helpless. They are seeking the assistance of the Government of India. This only betrays the mentality of the Government. Why did not the Government take this House into their confidence? Why did not the Government invite a Committee of the whole House? The co-operation of all sections of the House would have been forthcoming. Co-operation of all sections of the people should be forthcoming because on that depends the prosperity of the worker, peasant, cultivator, *mahajan*, and rent receiver. Government do not take this House into confidence; on the contrary, they are saying that it would not be in the interest of the public to divulge all their proposals in that Conference at Delhi. Sir, it is to be a Conference composed of the representatives of the Government of Bengal, representatives of the Government of India, and of the Jute Mills Association but the representation of jute labour has been left out. Sir, I must say that this Conference is nothing more than a three-cornered conspiracy hatched by the exploiters of jute-growers and jute labourers. Such a Conference cannot command our confidence.

Sir, Mr. Sanyal has said that the Ministers took personal interest in the jute market and they are responsible for fluctuations of the price in the speculation market. We want a reply from Mr. Suhrawardy on this observation and an explanation about the governmental criminality during the last few years. Mr. Sanyal's statement remains

uncontradicted. This Ministry must be held responsible for the ruination of the jute-growing peasantry of Bengal. The time has come when they must make amends for their misdeeds and give the jute-grower his due. But can a Ministry dependent on the thirty European votes safeguard the interests of the jute-growers and jute labourers? To keep themselves in office they act in behest of the European Jute Mills Association and leave the Bengal peasant in the lurch.

Mr. SURENDRA NATH BISWAS: Sir, I shall not indulge in abuses. Taking the Government estimate of this year's production of jute at 120 lakhs of bales, and taking the consumption of this year's crop at 40 lakhs of bales, there is bound to be surplus of 80 lakhs of bales over the consumption, which will be carried over to the next year. Of this, Bengal's share would be about 68 lakhs. However, estimating the surplus in the share of Bengal at 60 lakhs of bales, I would now proceed to make some suggestions.

When, Sir, there will be in all probability a surplus of 60 lakhs of bales in Bengal alone and when it is a fact that during the next year also the mills' and shippers' consumption will not reach 60 lakhs of bales, I shall first propose that no jute should be grown next year. When the Ministers go to Delhi, let them ask the Government of India to induce the other Provincial Governments not to grow any jute next year; such a step will not affect the jute industry, because there is already enough jute for consumption during the next year; on the other hand, this step will automatically raise the price of this year's crop. Secondly, Sir, I would suggest that some provision should be made as was made by the Government of Great Britain in 1932 when the price of wheat came down to about 50 per cent. of the standard price. The Government of Great Britain passed an Act, called the Wheat Act, on the 12th May, 1932. The object of this Act was to provide the wheat-growers of the United Kingdom with a secured market and a fixed standard price. The result was that farmers sold their wheat in the open market and, an average sale price being calculated, the farmer was entitled to receive, at the end of the year, a payment known as "deficiency payment", equal to the difference between the standard price and the said average price. Sir, I would ask the Government to declare at once that the jute-growers may sell their jute in the open market for any price, and that they will be paid the difference between a standard price to be fixed and their sale price at the end of a certain period. Simultaneously let an Ordinance be issued at once to the effect that no trader shall purchase jute from a certain date without being registered, and that no jute shall be purchased from any jute-grower except on the grant of a receipt, so that every receipt-holder may be given the difference between the standard price that is fixed and the price at

which jute is sold. This will be called "deficiency payment." Government cannot force the mills or traders to purchase jute. Let the industry and the trade be free. But Government will raise the money that will be required to make this deficiency payment, as the British Government did, by taxing the mills, the traders and the shippers. In this way, an adequate amount may be raised to make this deficiency payment. Government will not be required to pay even a pie out of the provincial revenues. When the British Government could take such a step to save their farmers, why should there be any objection to take such a step to save ours?

Sir, I want to impress upon the members opposite that they should at least on this issue be real friends of the poor. Let them give up their friendship with the Europeans and take the step I have suggested. If they lose their vote on that account, I can assure them that their Ministry will not be at stake. I say again let them at least for one day be the true friends of the poor, to whose friendship they owe their seats in this House. Let this system of making deficiency payment go on for the time being. In the meantime, let Government take courage in both hands and organise a jute-selling agency. This is my third suggestion. Let them organise a Corporation for the selling of the entire jute of Bengal on behalf of the growers on the lines of my scheme as reported by the Bengal Jute Enquiry Committee. Let a company with a capital of Rs. 10 crores be floated with one crore of shares of Rs. 10 each, payable in ten equal annual instalments of Rupee 1. The jute-growers will be able to purchase these shares in the course of ten years. By the end of that period that company will be managed by the jute-growers themselves, and thus they will become an organised body, *vis-à-vis* the organised mill-owners and traders. It would be a very feasible scheme. In the beginning let this organisation be authorised to issue debentures to the extent of ten crores of rupees and let Government guarantee these debentures and money will at once be forthcoming. There is no risk of such guarantee, because the money raised by the debentures will be invested against jute stocked in the company's warehouses. Of course, the production of jute shall be controlled and there shall be regulated markets all over the province with adequate warehouses. Jute will be stocked in those warehouses and those growers, who stock their jute there, will be given a receipt, against which they will receive provisional payments. The proceeds of the debentures will be used only to make such payments. Even the Reserve Bank of India may be induced to advance money for that purpose.

To sum up, I suggest three things. Let an Ordinance be issued that no jute shall be grown during the next year. Let the growers be allowed to sell jute at any price they can get in the open market and

let them get the deficiency payment. Let a sole selling organisation be built up on the lines of my scheme as recommended by the Bengal Jute Enquiry Committee of 1938.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have no inclination to embark on a discussion of the jute problems and the steps that we propose to take or the discussion that we propose to have or the demands that we propose to press before the Government of India. We are going there, I hope, in a spirit of co-operation. We hope that something will come out of this Conference and that we shall be able to ensure the co-operation of the jute mill industry and of all those who are capable of coming to the rescue of the poor agriculturists at the present moment. We are going in that spirit. The Government of India feel that the industry itself is so well organised that it can come to the rescue of the jute-growers. If the industry fails to do so and if all the pressure that we can bring to bear upon the Government of India and the jute industry fails, we shall have to take steps. What those steps are I am not prepared to disclose. For the first time, Sir, in the history of our Legislature here, during the last four years, a speech offering co-operation has been delivered on behalf of the Congress Party by Mr. J. C. Gupta. I am grateful to him for it. We shall certainly see that various interests are consulted.

I am sorry Dr. Nalinaksha Sanyal is unable to make a constructive speech. He has got good ideas, and I do look forward to his speeches with a certain degree of pleasure. But he spends most of his time in attacking Government and by the time that he is in a position to make his suggestions before the House, his time expires. Now, Sir, he suggests that the Government of India should take over the administration of jute. I think that that will not find favour with the House as a whole. Then, Sir, he has referred to jute purchases. I do not intend to meet all the points now for there will be another jute discussion on the next occasion when I place the supplementary estimates before the House. And those members of the Opposition who are burning with anxiety to attack Government will have ample opportunity to do so then. But I do desire to say that it is distinctly unfair on the part of Dr. Sanyal to single out the firm of Messrs. Ispahani. Sir, 5,000 bales of jute is nothing to those who deal with 50,000 bales of jute at a time. It is fatuous and foolish to suggest that we took all those steps merely to enable a firm to earn a few thousand rupees which they possibly did not. Such aspersions are merely derogatory to those who utter them. I do hope that those who take a realistic view of the situation will refrain from making such remarks and casting aspersions against tradesmen whose business is perforce affected by our measures. He also states that the various communiqués have upset the jute market. I am only conscious of having issued one communiqué

and I do not understand to what other communiqués he refers. I can say that except one no other communiqué has been issued by my department. But unofficial and unauthorised statements tending to keep up the price of jute might have been issued, but always with a view to see that the agriculturists get a fair price for their jute and that the price does not fall.

Now, Sir, Mr. Jogesh Chandra Gupta has analysed the position very well. We have a very difficult problem before us. There is a huge crop of jute; the average quality is somewhat worse than in previous years; the export market has to a great extent disappeared; and now to call upon the Government or any other organisation to maintain the price of jute at a high level is to call upon them to do something which is impossible. We shall try to maintain the price of jute and this Government will leave no stone unturned to solve the problem. I believe it is realised that there are weapons in our armoury with which we will be able to cope with the situation. But do not ask us to attempt the impossible; do not ask us to secure a price which is in hopeless variance with facts and which it would be impossible to maintain. I myself have often stated what Dr. Sanyal has repeated that Government credit is not high, and I am almost tempted to use that very expressive but very colloquial American expression "Sez you." I do not think I was wrong when I stated that the financial policy which has hitherto been pursued of running deficits and having no reserves has brought down our credit and I have, indeed with a view to rehabilitate this credit introduced the Sales Tax Bill.

Now, Sir, I desire to refer to the remarks of my very good friend, Khan Bahadur Hashem Ali Khan, because I want to clear the situation a little bit. I had no desire to cast any aspersions against the members of our party that they were responsible for Government withdrawing our proposal for restriction. It is enough that restriction has been withdrawn, whatever may be the circumstances under which it was done. I cannot, however, forget that at that time when we did bring forward our proposal for restriction, it was pointed out to us that we were mistaken in our forecast. We were told there was a war on and prices would be maintained. No amount of persuasion on my part, no amount of foresight on my part that the war would result in the export market being restricted, in the demand being reduced, in the demand from America also going down was able to convince the members because the prices were rising high before their very eyes. These and several other factors were present; and it is no use now considering them or advancing the fact that the survey was made in a perfunctory manner as the sole excuse for dropping our proposal. Here we are, you and I and all of us together have got to face the situation. For some reason or other the cultivator has grown

jute wherever he possibly could—on his homestead land and everywhere—and he has now produced a surplus crop, and we have now to come to his rescue. We have taken the burden on our shoulders and we are most anxious to do all that we can. Whether it was due to us or due to you or due to cultivators or due to administrative reasons, we are going to Delhi to see that the cultivators get a fair price for their crop.

There is one other point. Khan Bahadur Hashem Ali Khan has stated that the circular of Government prevented the agriculturists from selling their jute at Rs. 5 or Rs. 6 and therefore the responsibility comes upon the Government to maintain that price. There are two points to be considered. Firstly, I remember most distinctly that we brought out the circulars because members from all sides stated that the price of jute had gone down to Rs. 2. When I controverted it, there were violent denunciations and for a long while after newspapers wrote derisively on the subject. Of course they were ill-informed, but it is no use now saying that the price was Rs. 5 or Rs. 6. Apart from this, however, I want those of you who have some economic sense to consider another factor. Whatever may have been the price of jute—call it Rs. 10 or Rs. 5—if the agriculturists had not followed our advice and had not acted according to our circular but had brought all their jute to the market, that jute would have been sold at Re. 1-8 in the bazars. It is no use standing up and saying that but for our advice they would have got Rs. 6. They would have got nothing of the sort; nothing above Re. 1-8; there was no demand and no pressure of purchase, and anybody who runs can understand that if all the jute were brought to the market the price would have gone down lower and lower.

Now, Sir, we have tried our level best from time to time to see that the agriculturist gets a good price for his jute. We take a very serious view of the present situation. We think that on the happiness and prosperity of the jute-growers depends the happiness and prosperity of Bengal. I do not care, Sir, whether this Government remains in power or any other Ministry comes in. But our first and foremost duty is to see that the agriculturist gets a fair price for his jute; we stand for it and we are determined to secure it, and as I have stated we shall use everything in our power to bring it about.

Sir, I am grateful to those members of the House who have offered certain constructive suggestions as to how to maintain the price. I must have considered at least a dozen different methods of how to maintain the price. We are going step by step. We are trying to explore every possible avenue before we can take drastic steps, and we will certainly take into consideration the various suggestions made from all parts of the House to-day. (Mr. Surendra Nath Biswas: What about my suggestion?) I shall take them into consideration. I have got very great regard for your views. Your main suggestion, for

instance, is that all jute-growing should be stopped next year. That is a matter for deep consideration and as this will very seriously affect the position of our jute-growers I should, before I take a drastic step of that nature, attempt to find out how the jute-growers react to such a proposition. But your views are no changeable. I am certain that if I had put a tax on jute you would have turned round and said that I was wrong. Because I have not put on any tax you are making a suggestion that I should put a tax on jute. So I am between the devil and the deep sea. I hope, Sir, that we go to Delhi with the good wishes of this House that our efforts will be crowned with success. Whatever may be the views of the members of this House, I have no doubt that everyone in this House desires that this effort of ours should meet with success, and I trust that we shall come back with something achieved which will be of enduring benefit to this province.

The motion of Dr. Nalinaksha Sanyal that this Assembly is of opinion that the Government of Bengal should take immediate steps to ensure higher prices of raw jute for the cultivators in the current season by adopting such necessary and suitable measures as may be economically justifiable, was then put and agreed to.

Privilege Motion.

Mr. SIBNATH BANERJEE: What is the fate of my privilege motion, Sir?

Mr. SPEAKER: The only question is whether it is admissible

Mr. SIBNATH BANERJEE: It is admissible. The number of persons affected has now risen to four, because another member Dr. Sarat Mukherjee, has been arrested. Three of them are on hunger-strike, namely, Sj. Narendra Narayan Chakrabarty, Pratul Ganguli and Jnan Majumdar.

Mr. SPEAKER: The whole question is whether it is a privilege motion or not. I would like to hear the views of Sir Nazimuddin on this point.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have not the recommendation of the Committee with me just now, but speaking from memory the recommendation is to the effect that this question should be postponed till the Bill is disposed of, and there is a convention that members will be allowed to attend the Assembly Session.

Now, Sir, this motion cannot be moved as a privilege motion. It is only by amicable arrangement that this can be done, which means

that the House has liberty by means of a motion to suggest to Government that those who are detained as security prisoners should be allowed to attend the House. It has got no other meaning except that. If it is taken as a privilege motion, then there is no question of any convention. Either it is a convention or it is a question of privilege. I maintain that according to the opinion of the Committee it is not a question of privilege. It is an ordinary motion which can be brought by any private member on a non-official day and cannot have any precedence.

Mr. SIBNATH BANERJEE: Sir, the wording is very clear, namely, that immediate steps should be taken by Government, first of all, to pass the Bengal Legislature (Powers and Privileges) Bill, 1939, already introduced in the Assembly on the 12th July last. That is the first portion. More than a year has passed since then.

The second portion is that "pending such legislation the following conventions be adopted, namely, if any member of the Assembly be arrested, detained, convicted, or imprisoned, on any criminal charge or otherwise, the information of such arrest should be immediately sent to Mr. Speaker. And if Mr. Speaker, on information received as above or otherwise, is of opinion, after consulting the wishes of the Assembly, that the presence of a member who has been arrested, detained, etc., is essential for the purpose of the proceedings of the Assembly, Mr. Speaker shall inform the Provincial Government accordingly, and the Provincial Government shall take necessary steps forthwith to bring such members on such escort as it may consider necessary or in such manner as it may deem necessary before Mr. Speaker, and such members may attend such meetings of the Assembly, etc."

So, the position is very clear. The Privilege Committee has passed this and recommended that the Bill should be passed. It has also recommended the convention that such members should be allowed to attend the Assembly. It was passed long ago and something ought to have been done by this time. This motion should have been brought by the Government as the first motion of this session, but this was not done. We are thankful to Mr. Speaker that he had pressed for bringing this Bill before this House. But unfortunately it has not come. We know to-morrow the session will close. I strongly urge that this Assembly should express an opinion on the recommendation of the Privilege Committee. The majority of the members of the Privilege Committee belong to the Coalition Party and we take it that their recommendation is as good as Government recommendation. It is therefore all the more necessary that the convention which they have recommended should be given effect to.

Mr. SANTOSH KUMAR BASU: May I put in one word before the Hon'ble the Home Minister speaks in reply? First of all, as a member of the Privileges Committee and also on behalf of my party I concede that strictly speaking within the four corners of the provisions of the Government of India Act this matter may not be accepted as a question of privilege. At the same time, the fact remains that the Privileges Committee have by unanimous decision recommended that a certain Bill be placed before the House in which provision should be made that those members who are detained without any charge or trial should be brought to this House for the purpose of discharging their duties as members of this House. That Bill has now been placed before the Legislature by my honourable friend, the Deputy Speaker.

Now the Hon'ble the Home Minister not only recognises the justice of the claim put forward by the Privileges Committee, but has agreed that a convention should be set up. On the last occasion so far as I remember the Hon'ble the Home Minister agreed that facilities should be given for the purpose of an early presentation and introduction of this Bill into the House, thereby making it possible for this House to give its verdict in favour of this Bill. All that is now being asked for by way of this motion of my honourable friend Mr. Banerjee is this: that having regard to the fact that pending consideration of this Bill which has been placed before this House by the Deputy Speaker, is it not possible for the Home Minister to afford facilities for bringing those members to this House before the session expires to-morrow, so that the spirit of the recommendation of the Privileges Committee may be conceded by the Home Minister and a convention established to that effect before the Bill actually has a chance of being placed on the Statute Book?

May I remind the Hon'ble the Home Minister that even in the Mother of Parliaments privileges have been initiated and started on conventions, and it is on conventions of the entire House accepted by the Government as well as by the Opposition that these privileges have been established step by step one after another. Liberty expands from precedent to precedent. If the Hon'ble the Home Minister to-day accepts this position and agrees to the establishment of this convention, he will enhance the prestige of this House and the members who have been detained in custody and have been prevented from discharging their legitimate functions in this House can be brought down here and allowed the advantage of contributing to the deliberations of this House. I would ask the Hon'ble the Home Minister even at this last moment to agree to the suggestion which has been made and take the lead in this matter to establish a convention of the whole House so that the members who have been detained or imprisoned may be given an opportunity of coming and doing their duty here.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I still refrain from speaking on the merits of the question. The Deputy Leader of the Opposition has admitted that it is not a question of privilege. Once you accept that proposition, I submit that this motion of Mr. Sibnath Banerjee should not be taken up because it cannot be taken up in the midst of Government business.

Mr. SPEAKER: But the report has either to be accepted or rejected by the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is not a question of privilege. The Committee has found that it is not a privilege.

Mr. SPEAKER: But that motion on which the whole question was raised was admitted with your consent as a motion of privilege. Whether it is a question of privilege or not, the Committee of Privileges has made certain recommendations. So the House must get an opportunity of discussing them. That is what I am saying; I am not saying of the present motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a different thing altogether. The parliamentary practice is that if the Committee of Privileges decide that it is not a question of privilege, it is finished.

Mr. SPEAKER: I think you are making a fundamental mistake. If the Committee make any recommendation, the House must have an opportunity to discuss it and then to accept or reject the whole thing.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the second portion of the Committee's report——

Mr. SPEAKER: The whole report has to come before the House. Under the Parliamentary Rules, any report of the Committee must be brought before the House. I want to know when are you giving an opportunity for that report to be discussed. You may reject that report. Government may not accept it.

The Hon'ble Khwaja Sir NAZIMUDDIN: If you put it like that, Sir, it cannot be done this session. It can be done next session.

Mr. SPEAKER: I think that this report of the Privilege Committee was placed before the House at the fag-end of the last session. We had no time then. We had to hurriedly finish and therefore

there was no time for the House to discuss it. The question is important in this sense. Whether Government should accept this report or not or whether this House should accept it or not, we have not decided. It is merely in the Committee stage and therefore the report might be totally accepted or rejected by the House or one part of it may be accepted and another part rejected by the House. So far, the House has not had the opportunity which should be given as early as possible. I can quite understand the difficulty in the present session. It may be that an opportunity could not be given this session. But I take it that the Hon'ble Home Minister will see that an earliest possible date is fixed in the next session for the discussion of the report of Privileges Committee.

Mr. NIHARENDU DUTTA MAZUMDAR: I rise, Sir, on a point of privilege which refers to a different matter.

Mr. SPEAKER: You must give me notice.

Mr. NIHARENDU DUTTA MAZUMDAR: It is with reference to what happened just before this. My point is this. It is a privilege of members to receive the actual wordings of motions and amendments. In the motion of Dr. Sanyal which was discussed before this House, the last minute amendment came with certain words—measures economically justifiable—which Dr. Sanyal himself objected to and he himself did not know the exact words.

Dr. NALINAKSHA SANYAL: No, no.

Mr. SPEAKER: That is not a question of privilege.

Mr. NIHARENDU DUTTA MAZUMDAR: Those words we were not aware of, Sir.

GOVERNMENT BILL.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940.

Mr. SPEAKER: Order, order. The question before the House is Mr. Sanyal's motion that the Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 15th December, 1940. Mr. Aftab Ali.

Mr. AFTAB ALI: Mr. Speaker, Sir. I had not the least intention to take part in this debate. But after hearing my friend Mr. Sanyal's wholesale condemnation of the war, I think it is my duty——

Dr. NALINAKSHA SANYAL: In what stage are we, Sir?

Mr. SPEAKER: We are on the stage that the Bill be circulated.

Mr. AFTAB ALI: I am opposing that amendment, Sir.

Mr. NIHARENDU DUTTA MAZUMDAR: I wanted to rise on a point of order.

Mr. SPEAKER: I said, "We will now take the Bengal Legislature (Removal of Disqualifications) (Amendment) Bill". Then I looked at you and you did not rise.

Mr. NIHARENDU DUTTA MAZUMDAR: I can rise and oppose the consideration of this Bill after Mr. Ali.

Mr. AFTAB ALI: I do not know how I should term it, but I am really surprised that this Bill should have been opposed by Mr. Sanyal. I know what the Congress wanted. I know what was behind their move for the formation of the so-called National Government. Was it not only to perpetuate and share in the exploitation of the masses of India? I know, in the name of nationalism, what is being claimed, what is being preached and what is being written, but let me tell you what I feel of this unholy affair. I don't care what you think about it. (Cries of "Oh!, oh!" from the Congress and Krishak Proja Party benches.) You shout at the bidding of your masters outside and I know you are not free.

Dr. NALINAKSHA SANYAL: Your master is here.

Mr. AFTAB ALI: You know what I am going to say and you also know that you will not be able to reply. Therefore, you want to make me quiet by shouting. (Cries of "Oh!, oh!" from the Congress and Krishak Party benches.) But you know this method of shouting one down will not be successful with me. I was with you and I know your art, too. If I stand here to-day it is because I feel that the future of the whole humanity is at stake. Therefore, I must say what I have

got to say, and I do not care for your howlings; nor do I care even for this side of the House so far this war and its prosecution is concerned. (Laughter.)

Mr. SPEAKER: I am afraid Mr. Aftab Ali, this House is not at least the proper place for the kind of speech you are delivering.

Mr. AFTAB ALI: I would simply ask my friends opposite to be more sober and to listen to me. They may not agree with me, but I must have my say, and I do not care as to what opinion they form about it.

Sir, the measure that has now been proposed is a very little thing. We must go further. I wish that a Bill had been brought forward which would give power not only to the members of this House, but to every man in this country to do his bit for this war against Hitler. (Loud laughter and jeering remarks from the Opposition benches.) You term this war as an imperialist one and as such you belittle it. You claim this war will benefit only the Chamberlains of Great Britain and none else. But do you know the British masses as a whole—the Conservatives, the Liberals, the Trade Unionists, the Socialists and even the British Communists—are now solidly behind the Churchill Cabinet in the matter of a vigorous prosecution of the war? I had the opportunity to meet a good number of British leaders of public opinion, and I can say from my own personal knowledge that everyone, no matter whether he is a Conservative, a Liberal, a Trade Unionist, a Socialist or a Communist, is supporting the Government's war efforts. Sir, this war is not an imperialist war as my friends opposite claim it to be. Unfortunately, the Congress in order to bargain with those in power, in order to take advantage of the difficulties of the British Government and also equally unfortunately, the Muslim League, in order to do the same thing, are following a course which would not benefit them in the long run. (Loud derisive laughter from all benches.) Sir, I stand neither with the Congress nor with the Muslim League so far as this war against Hitler is concerned. Sir, I do feel that these two major parties are doing their duty towards the masses of this country whom they profess to represent. Can any member of this House imagine what would be the fate of the workers and their Trade Union movement, what would be the fate of the toiling masses in the countryside if Hitler and Mussolini win the war? I would ask comrade Dutta Mazumdar, comrade Sibnath Banerjee and comrade Zaman to tell me what would be the fate of our Trade Union movement if Hitler wins? Will they also tell me what is the present position of the working classes in Germany under Hitler's régimé and of them in Italy under Mussolini's "Régimé Fascista"? I know they cannot; I know they are not even

free to speak; I know they are under orders. They might agree with me privately, Sir, but I know in this House they are not free to do so even if they so agreed.

Sir, I will not take more time. I say again that it is really surprising that this motion for circulation should have been tabled at all. I am afraid members opposite yet do not seem to understand what will happen to India, if Hitler wins. So if not for the sake of India, if not for the sake of the workers and the masses, if not for the sake of whole mankind, at least for your own sake, such as to be able to speak freely, to be able to shout slogans, to be able to try to put one down by shouting, you cannot but join the fight against Hitler. And let me tell once and for all that if Hitler wins, there will not be any more shouting, you will not be sitting where you are sitting to-day and talking as you like, nor there will be any more Press propaganda to back you up; you will be simply put up against the wall to be shot and shot dead. (Laughter from all sides and table thumpings.)

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I rise to speak in opposition to the consideration of this motion. Sir, I want to make it quite clear at the outset that my opposition is not intended to secure mere modifications of the Bill here and there. My opposition goes to the root of the principle underlying this Bill. Sir, it has been suggested that the Bill be circulated for eliciting public opinion. Sir, I say here and now that I am of opinion that this Bill should never have been brought before this House at all nor should it be brought before the House at any future date. Sir, in the Statement of Objects and Reasons it is stated that by a previous Act a person is not debarred from becoming or being a member of either Chamber of the Bengal Legislature by reason only of the fact that as a part-time member of any of His Majesty's Naval, Military or Air Forces, he holds an office of profit under the Crown in India. When, however, such a member of the Legislature holds such an office as a full-time member of any of such forces, he is disqualified for being a member and his seat in the Legislature falls vacant automatically.

Sir, the previous Act contemplated the desirability or rather the possibility of part-time officers and members in the Army to remain members of this House. It wants now an extension of that rule and wants to enable a full-time army man to take a seat in this House. Those who are full-time army men will not have the time to devote to their constituencies. I ask the members on the other side just to consider this fact. A man who is a full-time servant in the army is subject to the army laws and discipline and subject to the martial laws. There are points on which a man, by reason of his being a member of the Legislature, must be called upon to give expression to his views, but an army man, by reason of his being bound down by the discipline

and laws of the army, is debarred from giving expression to his views in the House freely and he forfeits his right of freedom to criticise measures of Government. I want to remind members of this House of that famous incident which happened in the British House of Commons. Not very long ago, many will remember that an eminent M.P., no less a member of the Parliament than the son-in-law of Mr. Winston Churchill, who was an army man, had given expression to certain views and his criticisms included some army affairs. By reason of his having criticised the army affairs, that gentleman was hauled up before a court martial and was adjudged guilty, deserving of punishment. How can it be compatible in a country like India, far less in Bengal, for a man to be a full-time servant in the army and, at the same time, to be a member in this House. What happened in England ought to serve as an eye-opener. Those who care to keep this information should examine for a moment the danger in combining the obligations of an army man with the responsibilities of a member of this House before they come forward to support this measure. The only thing that a man can do, while remaining bound by the army discipline, is not to exercise the same right of free expression even on the floor of the House and yet draw Rs. 150 a month. If this Bill is to be passed to enable a member for that purpose, by all means support this Bill and betray yourselves and show your real colour. If an intelligent view is taken, objection to this matter is palpable.

My second point is this: that an army, which is subject to the control neither of this House, nor even of the Council of Ministers who are chosen from amongst the members of the Bengal Legislature, an army which is absolutely free and unhampered by discipline under this Legislature, shall not have any privilege of getting its men to sit here and pack this House with its caucus. They will be mere parts of a machine. Their mission is to muzzle the country outside; as army men they will come to the House and be a part and parcel of the apparatus and tools of Government to stultify this House. I would appeal to the members opposite to remember this fact that everywhere we see armies garrisoned. We see them at Dacca, Mymensingh in East Bengal and in various other parts of Bengal from where complaints have been received about molestation of the public and even of women at the hands of army men, and everywhere these army men have escaped punishment. The Bengal Government has remained powerless.

I want to point out, Sir, that this Legislature is the only place where a little scope of freedom of speech exists. If in this House members are not absolutely free to give expression to their views, if members forfeit their right of freedom of speech, then it will be a pantomine show, a legislature of dumb creatures and not a house for thinking members to legislate. I only want to impress upon the House the implications of this measure, and I hope that in a matter like this,

members will consider this aspect of the question. My friend Mr. Aftab Ali, in his enthusiasm for the services that Great Britain rendered to humanity, waxed eloquent about the need of sacrifice and giving every assistance to the Government during the war. Mr. Aftab Ali should remember that it was under the lead of Great Britain in the previous war—for the "liberation of mankind," for "self-determination" and for the liberation of the weaker peoples that even the holy shrines at Mecca were bombarded and the villages in the North-Western Frontier were bombed from the air and razed to the ground.

(The blue light was lit)

Mr. Aftab Ali has threatened us, "What will happen if Hitler or Mussolini come to India as a result of fighting against Great Britain?" It brings to my mind the story of the Kilkenny cats. The two cats were fighting bitterly. They continued their fighting till only their tails remained. The soldiers cut the tails of both the cats and reported to Cromwell, "The two cats were fighting with each other. They fought bitterly, swallowed each other and only their tails remained." As a result of this war we may find the repetition in reality the story of the Kilkenny cats. Both Great Britain and Germany are imperialistic countries. They will fight with each other to the end and only perhaps their tails will remain!

Now, Sir, coming to the point I would like to say that this is an ill-conceived measure. This measure shows that the Government of Bengal is not able to act independently. The Government of Bengal, which knows that it has no control over its army, brings forward a measure which will enable this House to be packed by members of the army. From these points of view I oppose the measure. From the point of view of Labour, from the point of view of the Krishak Proja Party, from the point of view of the Opposition combined, I say, I unhesitatingly say, that we shall oppose this measure at every step and record our strongest opposition.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose the amendment of Mr. Sanyal. It is a matter of extreme regret that the honourable member should think it expedient or necessary to move an amendment of this nature to a Bill which seeks to confer certain privileges on the members of this House. This is a privilege which has been extended to the members of all legislatures, including the British Parliament and the Dominion Parliaments. This is a dilatory motion and I oppose this amendment.

The motion of Mr. Sasanka Sekhar Sanyal, by way of amendment, that the Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, be circulated for the purpose of eliciting opinion

thereon by the 15th December, 1940, was then put and a division taken with the following result:—

AYES—33.

Abdul Wahab, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. Satya Priya.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalan, Mr. I. D.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Mukherjee, Mr. B.
Ramizuddin Ahmed, Mr.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Waliur Rahman, Maulvi.

NOES—81.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossian Khan, Khan Bahadur Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Barman, Babu Upendra Nath.
Biswas, Mr. Rasik Lal.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirti Bhusan.
Das, Mr. Monmohan.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Gomes, Mr. S. A.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hatemaliy Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin, Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Moslem Ali Mollah, Maulvi M.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawasi Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sirajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Sirdar, Babu Lilta Munda.
Tofel Ahmed Choudhury, Maulvi Haji.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.
Yusuf Ali Goudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 33 and the Noes 81, the motion was lost.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940, be taken into consideration was then put and agreed to.

Adjournment.

It being 8-23 p.m.—

The House was adjourned till 4 p.m. on Tuesday, the 3rd December, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, on Tuesday, the 3rd December, 1940, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. Azizul Haque, C.I.E.) in the Chair, 6 Hon'ble Ministers and 214 members.

STARRED QUESTIONS

(to which oral answers were given)

Replacement of members in certain Debt Settlement Boards in Faridpur district.

***19. Mr. MD. ABUL FAZL:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware of the fact that two members, each of Ghatmajhi Debt Settlement Board and Kalkini Debt Settlement Board in the Faridpur district, after their appointments by notification No. 2507 J., dated the 10th May, 1940, and No. 3048 J., dated the 11th June, 1940, have been replaced by two new members in each Board by notification Nos. 4671 J., and 4675 J., dated the 23rd July, 1940, published in the *Calcutta Gazette* of the 15th August, 1940?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons of their replacement after so short intervals; and

(*ii*) whether any inquiry was made about the conduct of the previously appointed members?

(*c*) If the answer to (*b*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state what was the result of the inquiry?

(*d*) Was the local M.L.A. consulted before the new appointments were made?

(*e*) If not, why not?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) Two members of Ghatmajhi Debt Settlement Board and one member of Kalkini Debt Settlement Board were replaced.

(*b*) (*i*) On the completion of the previous term of the Boards the appointment of the members in question automatically ceased. The old members of the Boards were reappointed for a short time to cover the lacuna occurring between the expiry of the term of the Boards and their reconstitution.

(*b*) (*ii*), (*c*) and (*e*) Do not arise.

(*d*) Yes.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*d*), are we to understand that in every such case of new appointment, local M.L.As. are generally consulted?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They are generally consulted when they are available, but not as a matter of rule.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether the local M.L.A. gave any name for the Ghatmajhi Debt Settlement Board?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All that I can tell the House at this stage is that the local officer consulted the M.L.As. and their suggestions must have been considered.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state whether it is a fact that the M.L.As. belonging to the Opposition group are never consulted?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No such case has been brought to my notice.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he considers the desirability of asking the district authorities to consult the local M.L.As. before any such new appointments are made?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I can tell the House that instructions have already been issued to the local

officers to examine any suggestion that is made to them by all representative public bodies and public gentlemen and if members of the House would be good enough to send in their suggestion that would be considered.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether it is a sin in the district of Tippera to consult the Opposition M.L.As.?

Mr. SPEAKER: That question does not arise.

Mr. ATUL CHANDRA SEN: Will the Hon'ble Minister consider the desirability of enquiring whether instructions issued by Government are generally carried out?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I believe they are carried out.

Mr. SYED JALALUDDIN HASHEMY: Is it a fact that demi-official letters are generally sent by the Hon'ble Ministers to the district authorities telling them definitely not to consult the members of the Legislature who belong to the Opposition group?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The answer is in the negative.

Construction of Magura-Jhenida Road.

***20. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) when the construction of the Magura-Jhenida Road was taken up;

(*ii*) what was the estimated length of the road;

(*iii*) how many years have passed since the work was begun;

(*iv*) how many miles have been constructed up to the end of October, 1940; and

(*v*) whether there was any suspension of the work since the construction was taken up?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when and for what period the work was suspended; and

(*ii*) what was the reason for the suspension of the work?

(*c*) Will the Hon'ble Minister be pleased to state when the construction of the road is likely to be completed?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) (*i*) The Jhenida-Magura Road was taken up for construction by parts. The first section from 1st to 7·49th mile was taken up by the Jessore District Board some time in 1932-33 and the second section from 7·49 to 14th mile post was taken up by this Department in the latter part of 1937-38. Work on the third section from 14th to 17·49th mile has not yet been taken up.

(*ii*) 18 miles.

(*iii*) 8 years since the first portion was taken up and 3 years since the second portion was undertaken.

(*iv*) The first section is almost completed and work on the second section is in full progress.

(*v*) There was no suspension of work in the second section. No such information is available with regard to the first section which was entrusted to the Jessore District Board for execution.

(*b*) Does not arise.

(*c*) The road up to the 14th mile post is expected to be completed by the end of 1942-43.

Mr. ATUL KRISHNA GHOSE: With reference to reply to (*a*) (*ii*), will the Hon'ble Minister be pleased to state what will be the fate of the remaining four miles, as he says that the road up to the 14th mile post is expected to be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, it depends upon the Government of India to give their sanction and until we get that, we cannot take up any road work under the Petrol Fund.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that after the completion of 14 miles by the expected time by the end of 1942-43, as is stated by the Hon'ble Minister, if the remaining 4 miles is not completed, there will be no benefit whatsoever for the people to use that road.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, I entirely agree with the honourable member, but there is hardly any remedy for it. As a matter of fact, this is the difficulty we are experiencing in all the big road schemes where it is not possible to allot sufficient fund to take up the entire project at the same time.

Mr. ATUL KRISHNA GHOSE: In view of the fact that more than 8 years have already passed, will the Hon'ble Minister take some initiative to see or consider the desirability of moving the Government of India so that the completion of the work may be attained?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I can assure my friend that we are doing our best in this respect and that I have already sent up to the Government of India for sanction of the third section.

Pabna-Shahzadpur-Chandaikona and Sirajganj Road.

***21. Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) whether the Government contemplate undertaking the Pabna-Shahzadpur-Chandaikona and Sirajganj Road incorporated in Mr. King's project; and

(*ii*) if so, when?

(*b*) If the answer to (*a*)(*i*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(*c*) Is the Hon'ble Minister aware that the construction of the road will facilitate the trade and improve the condition of the people of the district?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*)(*i*) No.

(*ii*) Does not arise.

(*b*) The sanctioned projects taken in hand by Government will absorb the funds available for some years to come, so it is not possible at present to consider any new projects.

(*c*) Yes, but that applies to most parts of the Province.

Babu MADHUSUDAN SARKAR: Will the Hon'ble Minister be pleased to state whether the department is ready to take up any other roads of Mr. King's project of the district in the near future?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, as the project mentioned in the question is No. 1 in the district list, I believe that when the sanction of the Government of India is received and funds are available, this road will be taken up.

Processions on immersion ceremonies in connection with Pujas.

***22. Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) what are the places in different districts of Bengal at which immersion ceremonies or processions taking out the images of Hindu deities could not be smoothly held during the last two months, i.e., during October and November, 1940, on account of communal differences;

(*b*) what were the measures taken by Government to ensure peaceful holding of such processions and ceremonies at respective places; and

(*c*) what are the steps followed in each case to find out, apprehend and punish those who created or sought to create disturbances to the holding of peaceful processions or immersion ceremonies in connection with Pujas?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin, Minister in charge of the Home Department): The information asked for by the honourable member is not readily available and to collect it specially would entail an expenditure of time, labour and money which I regret that I cannot see my way to undertake.

Mr. SYED JALALUDDIN HASHEMY: May I submit, Sir, that in the last session you assured us that a reply of this nature will be decided by the Privileges Committee. Our opinion is that Ministers are not competent to give this sort of evasive replies. Will you kindly ask the department to put these matters rightly?

Mr. SPEAKER: I am keeping a list of all these matters which ought to go to the Privilege Committee and if it is the desire of the House I shall do so.

Mr. SYED JALALUDDIN HASHEMY: Sir, it is the desire of the Opposition to decide whether Government is competent to give such replies. Ministers are public servants, and if it entails an expenditure of time and money, we are paying for it.

Mr. NIHARENDU DUTTA MAZUMDAR: Have any complaints been received by Government at all that such obstructions have been put?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a very vague question which I cannot answer. The question was for collecting information and naturally Government thought it would entail too much money and officers' time. So this has not been done.

Debt Settlement Boards in Sadar (South) subdivision, Mymensingh.

***23. Maulvi ABDUL HAKIM:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state in respect of—

(1) Dapunia,

(2) Akua, and

(3) Dhanikhola

Debt Settlement Boards in the Sadar (South) subdivision of Mymensingh district—

(*i*) the date on which each Debt Settlement Board was constituted;

(*ii*) the number of cases instituted before each Board since its inception;

(*iii*) the number of awards given by each Board up to the 30th June, 1940;

(*iv*) the number of cases (if any) struck off by each Board up to the 30th June, 1940, for default of the parties;

(*v*) the number of cases (if any) in which first instalment was not paid in due time;

(*vi*) the number of cases (if any) in which certificate procedure was applied on ground of non-payment of instalments up to the 30th June, 1940;

(*vii*) the number of cases (if any) in which holdings were put to auction-sale under the certificate procedure;

(*viii*) the number of cases in each Board where the debt in each case amounts to Rs.5,000 and over;

(*ix*) the number of such cases in which sanction of the Collector was obtained by each Board; and

(*x*) the number of such cases in each Board where sanction was withheld by the Collector?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*i*) to (*iv*) A statement is laid on the table.

(*v*) As under the Act Government do not take any responsibility for the realisation of the instalments due under the awards. I regret, the information asked for is not available.

(*vi*) to (*x*) A statement is laid on the table.

Statement referred to in the reply to clauses (i) to (iv) of starred question No. 40.

		Dapunia.	Akua.	Dhanikhola.
(*i*)	..	10th October, 1936.	8th October, 1936.	1st November, 1936.
(*ii*)	..	419	579	478
(*iii*)	..	186	169	160
(*iv*)	..	149	224	91

Statement referred to in the reply to clauses (vi) to (x) of starred question No. 40.

		Dapunia.	Akua.	Dhanikhola.
(*vi*)	..	3	21	7
(*vii*)	..	..	..	..
(*viii*)	..	..	9	..
(*ix*)	..	..	9	..
(*x*)	..	..	..	..

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Dacca Mail disaster.

28. Dr. SURESH CHANDRA BANERJEE: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) how many people have been—

(1) killed, and

(2) injured,

in connection with the Dacca Mail disaster which took place on the 5th August, 1940; and

(*ii*) of those killed and injured, to how many compensation has been paid by the Central Government?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names of persons to whom compensation has been given; and

(*ii*) the amount of compensation given to each?

(*c*) Have the Government made any effort to see so that all cases of death and injury have been compensated for?

(*d*) If so, what was the nature of that effort?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) (1) 31.

(2) 95; of these 64 were admitted into hospitals and 11 subsequently died there thus making the total number of deaths 42.

(*ii*) I am informed that no compensation has been paid.

(*b*) Does not arise in view of reply to (*a*) (*ii*) above.

(*c*) and (*d*) The question of payment of compensation is a matter for the Government of India to decide.

Mr. ATUL CHANDRA SEN: Will Government consider the desirability of recommending to the Government of India that proper compensation be awarded to the injured persons and to the families of the killed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I may assure my honourable friend that I have already taken up the matter with the Government of India.

Distress of agricultural population due to scarcity of rain and sub-normal price of jute at Bogra.

29. Khan Bahadur MOHAMMED ALI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that there is an acute agricultural distress in the district of Bogra due to scarcity of rain and sub-normal price of jute?

(*b*) If so, will the Hon'ble Minister be pleased to state what action the Government propose to take to ameliorate the conditions of the people of the affected areas?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) No.

(*b*) Does not arise.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if any enquiry was made as to whether there is an acute agricultural distress in the district of Bogra?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state when was the enquiry made?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very recently. After receiving this question, Government sent it to the Collector for his views, and on the basis of his views the question has been answered.

Re-excavation of Dhurang Khal in Chittagong district.

30. Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Irrigation Department have approved the scheme for the re-excavation of the Dhurang *khal* in police-station Fatickcheri, district Chittagong?

(*b*) Is it a fact that the Hon'ble Minister with the Chief Engineer, Superintending Engineer, Executive Engineer and the Subdivisional Officer of the Irrigation Department visited the said Dhurang *khal* for the purpose?

(*c*) If so, when the work is likely to be taken up?

(*d*) What amount do the Government propose to spend for the said scheme?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) A scheme has been received and is under the consideration of Government.

(*b*) Yes.

(*c*) I cannot definitely say when the scheme is likely to be taken up for it depends upon funds being available for the purpose.

(*d*) The estimated cost of the scheme is Rs. 26,367.

Extension of service to the present Registrar of Co-operative Societi Bengal.

31. Khan Bahadur MOHAMMED ALI: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact—

(*i*) that the present Registrar of Co-operative Societies was due to retire on the 16th of April, 1940; and

(*ii*) that he has been granted an extension of service?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state for what period the extension has been granted?

(*c*) Will the Hon'ble Minister be pleased to state whether it is a fact that extension of service to retiring officials is against Government policy?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason why an extension was granted in the case of the Registrar?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) From the 16th April, 1940, to 31st December, 1940.

(*c*) Not when the extension is necessary on public grounds.

(*d*) The extension was necessary on public grounds.

Mr. SYED JALALUDDIN HASHEMY: With reference to answers (*c*) and (*d*), will the Hon'ble Minister be pleased to give us some idea of the extension which was necessary on grounds other than public grounds? May we enquire whether there can be any case of extension on grounds other than public grounds?

Mr. SPEAKER: That question does not arise.

Maulvi ABU HOSSAIN SARKAR: In view of the fact that the present Registrar will retire very soon, will the Hon'ble Minister be pleased to state whether it will be possible to give this gentleman another extension to reorganise the department?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There is no such proposal before Government.

Mr. AHMED HOSAIN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state what are the characteristics of public interest?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as this particular question is concerned, the House knows it when we were discussing the Co-operative Bill in the last session. There is another thing, namely, that a scheme to rehabilitate the co-operative movement was undertaken.

Mr. AHMED HOSAIN: With reference to answer (*c*), will Government give him any further extension?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already stated that there is no such proposal before Government.

Mr. SYED JALALUDDIN HASHEMY: When the attention of Government is drawn to this fact, will the Hon'ble Minister consider the desirability of extending the service of this particular gentleman for a term of one year for framing rules under the new Act?

Mr. SPEAKER: That question does not arise.

Mr. SATYAPRIYA BANERJI: Will the Hon'ble Minister be pleased to state whether it is a fact that some supporters of the present Registrar waited in a deputation upon the Hon'ble Minister to secure a further extension of his service?

Mr. SPEAKER: Not "some supporters." You can ask whether there was any such deputation.

Mr. SATYAPRIYA BANERJI: All right, Sir. Did any such deputation wait upon the Hon'ble Minister?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Yes.

Dr. NALINAKSHA SANYAL: Were any Directors of the Provincial Bank members of that deputation?

Mr. SPEAKER: That question does not arise. The main point is whether there should be extension.

Dr. NALINAKSHA SANYAL: I want to know the character of the deputation—as to who composed the deputation. I want an answer to my question.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The answer is no.

Mr. SYED JALALUDDIN HASHEMY: May I know the result please?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The deputation made its submission, and I gave a hearing.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state if it is a fact that pressure from outside was given on the Minister to make that gentleman retire as soon as possible?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as I undersand there was no such thing.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware that there is a great volume of public opinion against the extension of service to Government officials, particularly the present incumbent?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I am called upon to answer questions of a general nature. I can only answer questions with regard to this particular appointment.

Dr. NALINAKSHA SANYAL: With reference to the particular incumbent, will the Hon'ble Minister be pleased to state if the Government considered the comments and complaints about this particular officer made on the floor of the House from time to time when they considered the desirability of granting him an extension?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already explained the necessity for granting extension, and it was on those considerations alone that the extension was granted. No other matter was taken into consideration.

Dr. NALINAKSHA SANYAL: My question has not been answered.

Mr. SPEAKER: You must be specific.

Dr. NALINAKSHA SANYAL: My question is specific, Sir. The question is whether at the time of granting extension to this gentleman on alleged public grounds, Government also considered the various allegations definitely made on the floor of the House about the manner in which this gentleman has discharged public duties.

Mr. SPEAKER: These allegations were made after the extension was granted.

Dr. NALINAKSHA SANYAL: No, Sir. Extension was granted in 1940 and the allegations were made before that.

Mr. SPEAKER: You must put a specific question. It is very difficult to answer a question like this.

Mr. SATYAPRIYA BANERJI: Will the Hon'ble Minister be pleased to state if the consideration which secured for him an extension of service up to 31st December still exists?

Mr. SPEAKER: You can ask whether Government contemplate giving him further extension.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered this question twice. There is no such proposal now before the Government.

Dr. NALINAKSHA SANYAL: Is it a fact that this incumbent has been manipulating various deputations, representations and submission to Government not only in order to secure further extension——

Mr. SPEAKER: You cannot say that this gentleman is manipulating. This is a definite imputation.

Dr. NALINAKSHA SANYAL: If I am not allowed to make insinuations, am I not allowed to put direct charges?

Mr. SPEAKER: No, not through questions.

Mr. SPEAKER: Questions over.

Mr. SHAHEDALI: Sir, will you kindly allow me to ask one question?

Mr. SPEAKER: All right.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state who led the deputation?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The Chairman of the Provincial Bank.

Dr. NALINAKSHA SANYAL: Did he function as Chairman of the Provincial Bank or did the particular gentleman wait upon the Hon'ble Minister in his individual capacity or functioning as the Chairman of the Provincial Bank?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: As Chairman of the Provincial Bank.

Dr. NALINAKSHA SANYAL: Is it a fact that the Provincial Bank functions under the instructions of the Registrar?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: I submit, it does arise, because if the Registrar asks the Chairman——

Mr. SPEAKER: I am sorry, Dr. Sanyal, you know well that your question is not in order.

Short notice questions.

Mr. SPEAKER: There are several short notice questions which were to be replied, but as the Hon'ble Minister in charge is not here, they cannot be taken up. These questions will now stand over.

Mr. SANTOSH KUMAR BASU: Sir, so far as these short notice questions are concerned, I had the advantage of a discussion with the Hon'ble the Home Minister, and so far as the supplementaries are concerned, I do not think there will be many supplementaries on this question. I would therefore request you to allow these questions to be asked and answered.

Mr. SPEAKER: These questions will be formally placed after they have been cyclostyled.

Mr. CHARU CHANDRA ROY: Sir, may I ask the Hon'ble Minister in charge of that department to inform us whether there is a hunger-strike in any other jail?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I do not know, Sir. The Hon'ble Minister in charge is not here.

Mr. SANTOSH KUMAR BASU: Sir, it is a very serious matter, and if the Hon'ble Minister had been here he would probably have given us the information.

Mr. SPEAKER: I see that the Departmental Secretary also is not here. As soon as he comes, I shall get into touch with him and see what can be done.

NON-OFFICIAL BILL.

The Bengal Land Revenue Sales (Amendment) Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to present the report of the Select Committee on the Bengal Land Revenue Sales (Amendment) Bill, 1937, by Mr. Syed Abdul Majid, M.L.A.

GOVERNMENT BILLS.

The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940.

Clause 1.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 1(2), line 2, the words "and for a period of twelve months thereafter" be omitted. The reason is obvious.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there are two amendments of the same nature.

Mr. SPEAKER: Mr. Das Gupta, are you moving your amendment?

Sj. NARENDRANATH DAS GUPTA: No.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment because 6 months may not be sufficient——

Mr. SPEAKER: Amendment No. 5 has not been moved.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It may be necessary to allow certain time for the completion of the work which these officers might be actually carrying out. For instance, suppose a particular gentleman is in charge of certain construction. Simply because hostilities have ceased, the work of this person will not come

to an end automatically. So, a reasonable time should be allowed before he can be discharged or relieved of his duties. That is why time has been allowed.

The motion of Mr. Md. Abul Fazl that in clause 1(2), line 2, the words "and for a period of twelve months thereafter" be omitted was then put and lost.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in clause 2, in line 7 of the proposed clause (*d*) of section 2, the expression "since the second day of September, 1939," be omitted.

Sir, as a matter of fact, we on this side of the House have hardly any more interest in this piece of legislation, but I would like only to point out one or two anomalies that would remain if some amendments are not accepted. That is exactly the interest I have in moving this amendment. We have made it perfectly clear in our observation in connection with the circulation motion how we view this legislation. It has been provided, Sir, that with reference to an office in any of His Majesty's naval, military or air forces in India or an office under the Central Government connected with the equipment or administration of these forces or otherwise connected with the Defence of India, this clause shall not apply in the case of any person who has since the second day of September, 1939, been continuously in wholetime service of the Crown in India. I cannot really understand why Government want to restrict the application of these provisions only to persons who had been in employment before the second of September and not afterwards. If it is the intention to permit certain classes of persons who undertake wholetime work in connection with the war to also continue in the Legislature, there is no reason why such a permission should not be extended also to those who are appointed afterwards. Here, the Bill as it now stands, seeks to exclude such people, and I cannot understand what the meaning may be. I would rather think that the proper thing would be to allow such people who are in the Legislature now to seek and obtain certain employments, and still not lose their seats, if they have such employment in connection with the war. If that is the intention, I do not know if the present drafting has been sufficiently comprehensive to make that intention understandable. With these observations, I move that these words be deleted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The object of this measure is sufficiently

clear. It is meant for offering facilities to the members of the Legislature to undertake military duties during war and also for a year after the termination of hostilities without losing their seats in the Legislature. The Bill excludes persons who had been holding such offices in the Army, Navy or in the Air Forces before the declaration of the war. I therefore oppose the amendment.

The motion of Dr. Nalinaksha Sanyal that in clause 2, in line 7, of the proposed clause (*d*) of section 2, the expression "since the second day of September, 1939," be omitted was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

The question that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill, as settled in the Assembly, be passed.

The motion was then put and a division called.

(Mr. Birat Chandra Mandal entered into the Chamber after the ringing of the division bell was over.)

Mr. SPEAKER: Mr. Mandal, you came into the Chamber after the ringing of the division bell was over, and, being late, your vote will not be recorded.

The same question was again put and a division taken with the following result:—

AYES—92.

Abdul Aziz, Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Raschid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Barma, Mr. Puspajit.
Barman, Babu Upendra Nath.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Das, Mr. Monmohan.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gladding, Mr. D.
Griffiths, Mr. O.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.

Hashemali Khan, Khan Bahadur Maulvi.
Hatemaliy Jamadar, Khan Sahib Maulvi.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Sinclair, Mr. J. F.
Tofel Ahmed Choudhury, Maulvi Haji.
Wordsworth, Mr. W. C.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—50.

Abdul Jabbar Palwan, Mr. Md.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Banerjee, Dr. Suresh Chandra.
Basu, Mr. Santosh Kumar.
Biswas, Mr. Surendra Nath.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deiui, Mr. Harendra Nath.
Dutta, Mr. Sukumar.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. J. N.
Jalaluddin Hashemy, Mr. Syed.
Jenab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mullick, Srijut Ashutosh.
Nausher Ali, Mr. Syed.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Waliur Rahman, Maulvi.

The Ayes being 92 and the Noes 50, the motion was carried.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce the Bengal Local Authorities Census Expenses Contribution Bill, 1940.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir, at this stage? The Hon'ble Minister in charge has sought to move a

Bill relating to census. May I enquire under which item in the Provincial List or the Concurrent List, the subject of this Bill comes? I find specifically that census is mentioned as a Central subject only—item No. 16 in list I of the Seventh Schedule. I fail to understand how this Bill as it now stands can be relevant and how the question can come within the competency of this House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am not trying to legislate for census. I am only trying to legislate to make local bodies contribute towards the cost of census and also to authorise them to pay voluntary contributions for census, if they want to do so. "Local authority" is item 13 of list II subjects. That is why, I think, it is a subject which is *intra vires* of this Legislature.

Rai HARENDRA NATH CHAUDHURI: On a further point of order, Sir. Can we legislate to compel local bodies to contribute to some purpose which is other than provincial?

Mr. SPEAKER: The spirit of the Government of India Act, 1935, is that for purposes of India it is permissible to spend any money. Bengal can contribute anything to Bihar or any other place so long as it is in India.

Dr. NALINAKSHA SANYAL: With regard to item 13 of the Provincial List, will you please look at it, Sir? It is very specific. It relates to Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

Mr. SPEAKER: I have already anticipated that there is a likelihood of an objection as regards this question. The difficulty is that if I rule it out, there is absolutely no remedy on any side for legislation. At the same time, even if it is *ultra vires*, there is a remedy to go to the Federal Court and say that it is *ultra vires* of the Provincial Legislature. Therefore, the convention is that the Speaker should not shut out a matter which can go to the Federal Court. I cannot therefore take any responsibility in a matter which it is for the House to consider as to whether it will pass this Bill in such circumstances or not.

Dr. NALINAKSHA SANYAL: We shall be very happy if you lay down a convention that, so far as you or your department are concerned, you will not enquire into the admissibility of any motion for introduction of a Bill.

Mr. SPEAKER: Unless it is palpably inadmissible on the face of it.

Dr. NALINAKSHA SANYAL: Is not a Bill relating to census palpably inadmissible?

Mr. SPEAKER: I am not quite certain about that. The reason is that every local authority is interested as to the census. Census includes every municipality and relates to such matters as to the population figures, the occupational statistics, etc. These matters are not central but local subjects and therefore it may be said that they can contribute for the purpose.

Mr. SURENDRA NATH BISWAS: May I draw your attention, Sir, to one matter? Has the Provincial Government any authority to see to the administration of the Census Department, so far as Bengal is concerned? If they have any say in the census operations, well and good. If not, how can the rate-payers of Bengal be asked to contribute towards it?

Mr. SPEAKER: It is for you to discuss the question.

Dr. NALINAKSHA SANYAL: May I further draw your attention to item No. 35 of Part II of the Concurrent List where it is specifically mentioned that the Provincial Government may—as you have just mentioned a case where local purposes only are covered,—they may, include "enquiries and statistics, etc.," but there should be specific mention of the subject. Item No. 35 runs thus: "Enquiries and statistics for the purpose of any of the matters in this part of this list." That is to say, any other matter and any other statistical matter other than those mentioned cannot be treated as a concurrent or provincial subject.

Mr. SPEAKER: If this is a matter which really does not come within the competence of this Government, then the local authorities may not accept the responsibility.

Dr. NALINAKSHA SANYAL: But the local authorities will be compelled by the order of the Government of Bengal to take up this responsibility.

Mr. SPEAKER: They can challenge.

Dr. NALINAKSHA SANYAL: How can they? They cannot go to the Federal Court. The procedure for suits before the Federal Court

is such that local bodies can have no place there. However, Sir, we are in your hands. We will depend very much upon your legal acumen.

Mr. SANTOSH KUMAR BASU: Let us take the question whether it is within the competence of the Provincial Government to legislate authorising the local authorities to contribute towards the military expenditure of the Central Government. It would be a test case, because military expenditure is essentially a Central Subject; so also Census. If, on the other hand, the question were "census for the purpose of getting statistics within the municipal area", by the local authority itself, then that would have been a different matter. In the Calcutta Municipal Act there is a provision for spending money for census in Calcutta within the local area. The Calcutta Municipality has been empowered under the Act by a special provision to spend money for the purpose of getting statistics in the way of census for the city. But so far as this Bill is concerned, I think, it requires contribution to the Central Fund.

Mr. SPEAKER: What is the position of the Corporation so far as this Bill is concerned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the Calcutta Municipal Act, the Bengal Municipal Act, and the Local Self-Government Act there are provisions for census for local purposes. Now what we are seeking by this Bill is to authorise the local bodies——

Mr. SPEAKER: The position is that in the Calcutta Municipal Act there is provision for the local census. In other words, the Calcutta Corporation so far as the present Census of India is concerned, can spend money.

Mr. SANTOSH KUMAR BASU: No, for local census, for the purpose of enquiries undertaken within the city of Calcutta by the Calcutta Corporation.

Mr. SPEAKER: Will they pay any money to the present Census Department for the census of Calcutta?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This is exactly the point which I was just trying to make out. By this we are indirectly helping the local bodies to have census of the areas within their jurisdiction. Sir, in the Calcutta Municipal Act, in the Bengal Municipal Act as well as in the Local Self-Government Act there are provisions

for undertaking census for municipal or local purposes. What is sought by this Bill is to authorise and to enable these local bodies to contribute to the Central Government for Indian Census, thereby helping these local bodies in avoiding expenditure on local census. Now the constitution of these local bodies would be impossible unless and until we know what is the proportion of the minority and the majority communities. You cannot reserve seats for the minority communities within the municipal or district board areas unless it is known what is the total number of Muslims and total number of Hindus in a particular district board area or in a municipal area. Certain municipalities are being asked to contribute which will certainly obviate larger expenditure for the purpose for a local census. Sir, this is legitimate and *intra vires*.

Rai HARENDRA NATH CHAUDHURI: Sir, the Hon'ble Minister-in-charge of the Bill, Sir Bijoy Prasad Singh Roy is confusing the census for local purposes with the all-India census. The census for local purposes and the all-India census are two different things, for the all-India census is taken by the Central Government for an all-India purpose. Sir, if in the discussion of the Bill we bring up certain questions which relate to the Indian census, you will probably pull us up and say that it is not a provincial subject and the Hon'ble Minister will not be competent or bound to answer those questions. Our point is that the Government are compelling the local bodies not to contribute for local purposes, but to contribute towards a matter which appertains to the Central subject. Just for that reason we submit that they are not justified in compelling the local bodies to do that.

Mr. SANTOSH KUMAR BASU: Sir, may I draw your attention to sections 463-466 of the Calcutta Municipal Act where you will find that the Corporation may direct an enumeration to be made of all persons resident in Calcutta. The Corporation will appoint a Superintendent, and the Superintendent will appoint a sufficient number of competent persons as enumerators. The census will be confined entirely within the four corners of the city and the expenses incurred paid out of the Municipal Fund. There is no question of a full census of the entire country. Therefore, I submit, Sir, that what the present Bill proposes to do is to empower the Provincial Government with power, with authority to compel these local bodies to contribute for the general census of the whole of India. That I submit, Sir, is not within the competence of this Legislature to undertake. In other words, it cannot compel these local bodies to make a contribution for the expenditure of the Central Census and it is wholly beyond the competence of this Legislature to undertake anything of this kind, and the Hon'ble Minister, when he mentions that in the Calcutta Municipal Act there is

a provision to that effect, is speaking without his book. I submit, Sir, that the census undertaken for an all-India purpose is essentially a Central subject.

Mr. SPEAKER: I have heard this matter, but I have not been able to be clear in my mind as to whether this Bill is *intra vires*. I have very carefully gone into this matter. There is a great deal to be said in favour of as also against the principle of the Bill. It relates to a matter which is of interest even to small units. For example, the occupational statistics, infirmity statistics, educational statistics and statistics of religion, all these are matters of interest to everybody. Therefore there is much to be said in favour of the principle of the Bill. My point is not the point of principle behind it. The point is whether a lacuna has been left in the Government of India Act by which it can be said that a matter like this does not come within the sphere of the Provincial Legislature or not. I must say that so far as the provincial fund is concerned, there is no difficulty because the provincial fund can be spent by the Legislature in any corner of India. There is a clear section on it. Whether by analogy the same principle is applicable that power may be given to local authority by the provinces or not is a matter on which there can be two opinions and both sides can very legitimately argue in favour of one or the other point of view. The difficulty is whether in such circumstances I should rule out a Bill altogether. I have said repeatedly where I have no doubt in my mind that a legislation is *ultra vires*, I will certainly hold that it is *ultra vires*.

Mr. SANTOSH KUMAR BASU: Will you please get the Advocate-General's opinion on the matter?

Mr. SPEAKER: That is for the Government to do and not for me. For the time being, my attitude is that I will allow this legislation to go on leaving for the authorities concerned to seek his opinion.

Dr. NALINAKSHA SANYAL: May I submit that it is within the competence of yourself to send for the Advocate-General to be present here in connection with such important debates and give his opinion? That is provided in the Government of India Act itself. It is provided that the Advocate-General may come and the Deputy Leader of the Opposition now has definitely suggested that.

Mr. SPEAKER: Sir Bijoy, has his opinion been obtained?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At least I have not the opinion of the Advocate-General before me at present.

Mr. SPEAKER: On that point, there are certain administrative difficulties and as soon as the Privileges Bill is passed, all these matters can be thrashed out as to what is the power of the Speaker and whether he can send for or take the advice of the Advocate-General.

Dr. NALINAKSHA SANYAL: In the present Privileges Bill, nothing is provided so far.

Mr. SPEAKER: Sir Bijoy, will you please move the motion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce the Bengal Local Authorities Census Expenses Contribution Bill, 1940.

(The Secretary then read the short title of the Bill.)

Mr. NISHITHA NATH KUNDU: Is not a piece of legislation in respect of census——

Mr. SPEAKER: Order, order. I have already finally decided that question.

Mr. NIHARENDU DUTTA MAZUMDAR: The Hon'ble Minister has said that he proceeds to introduce this Bill. Now I rise to oppose the introduction of this Bill.

Mr. SPEAKER: He is not asking for leave to introduce it. He is merely introducing. Under the rules he has already introduced it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It has been published.

I beg to move that the Bengal Local Authorities Census Contribution Bill be taken into consideration.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, I oppose the consideration of the Bill.

Mr. SPEAKER: Order, order. Mr. Surendra Nath Biswas.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move by way of amendment——

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. Will the amendment come first?

Mr. SPEAKER: I am sorry. On this point I gave a decision last time.

Mr. NIHARENDU DUTTA MAZUMDAR: I wanted your ruling on a point of order, Sir.

Mr. SPEAKER: My point is that if every two minutes you rise on a point of order, it is disorder and not a point of order.

Mr. NIHARENDU DUTTA MAZUMDAR: This is the first time that I rise on a point of order.

Mr. SPEAKER: You rose on the same question with reference to the last Bill, and then I decided that after the motion or the amendment is moved, the whole debate is open. It is open to you either to oppose the whole Bill outright or to support the motion.

Mr. NIHARENDU DUTTA MAZUMDAR: I am thankful to you for that. But I do take exception to your remark that I rise every two minutes on a point of order, and I think that such an extravagant remark should not have been made.

Mr. SPEAKER: I still stick to it.

Mr. NIHARENDU DUTTA MAZUMDAR: Without the foundation of fact.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move by way of amendment that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1941.

Sir, it is not that I do not want any census operation, but as there is already a volume of opinion that the last census was not correct, and as there is a good deal of apprehension in the minds of many of the people of Bengal that this year's census also is not expected to be accurate, especially in view of the fact that the Provincial Government would not have any say in the administration of the Census Department so far as Bengal is concerned, I submit that the Bill should be circulated to the public who will be required to pay a portion of the expenses for conducting the census operations in this province. And I want an assurance from the Hon'ble Minister in charge that the Provincial Government will take every possible step so that no inaccuracy may creep in in the operations of the census, and that every attempt is made to see that no authority, however influential he may be, can interfere with the accuracy of the census in any part of this

province. Unless and until this assurance is forthcoming, I am afraid the public will not be willing to contribute towards the fund for meeting the expenses of the census operations in this province. With these few words, Sir, I submit that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st of December, 1941.

Mr. ATUL CHANDRA SEN: With your permission, Sir, may I request the Hon'ble Minister in charge of the Bill, before he asks the House to accept it, to make a statement here and now that the Government will convey to the proper authorities that there is a feeling in the country that in the matter of census things have been done in a way not conducive to a proper and impartial conduct of the census, indeed in a way prejudicial to the interests of one particular community, viz., the Hindus? With these words I would request the Government to make the necessary statement before the motion is actually put to the House.

Mr. SPEAKER: Sir Bijoy Prasad.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I should like to say——

Mr. SYED JALALUDDIN HASHEMY: Sir, we have got our motions and we want to move them.

Mr. SPEAKER: As you know, the motions are of an identical nature, and following a convention that has been established, they are being divided into two parts; the first part relates to eliciting public opinion and the second part is concerned with the date. If the first part is carried, the question of date then arises.

Sir Bijoy Prasad.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the local Government——

Dr. NALINAKSHA SANYAL: May I have your permission to speak?

Mr. SPEAKER: You were not on your feet when I asked Sir Bijoy Prasad to speak.

Dr. NALINAKSHA SANYAL: I was, Sir, but I could not catch your eye. I have a motion standing against my name and I want to

speak in support of Mr. Biswas's motion as that has already been moved. Otherwise, I would not have any chance to speak on this subject.

Mr. SPEAKER: You can oppose it at the third reading.

Dr. NALINAKSHA SANYAL: In that case my motion for circulation will not be allowed to be moved at all. I agree that the convention by agreement has been that one amendment is to be moved, but this is on the understanding that so far as the other members who have given notice of amendments are concerned, they should be given an opportunity to speak, if they like to do so.

Mr. SPEAKER: The point is that the motion is split up into two parts, and if the first part is lost——

Dr. NALINAKSHA SANYAL: How can you split it into two parts?

Mr. SPEAKER: All these motions are of an identical nature and I have a right to select any one or a part of it.

Dr. NALINAKSHA SANYAL: They are identical no doubt, but at the same time the periods suggested by the different motions are different; and therefore it is quite possible that members who would vote against a longer postponement might agree to a shorter postponement. In that view, Sir, the motion which is the most exclusive one should be put first that is to say the motion which relates to the shortest period.

Mr. SPEAKER: And if that goes out?

Dr. NALINAKSHA SANYAL: Then comes the next one, Sir.

Mr. SPEAKER: All I can say, Dr. Sanyal, is that following the convention I am dividing it into two parts. The first part will be that the Bill be circulated for eliciting public opinion.

Dr. NALINAKSHA SANYAL: But nobody has moved only that thing, Sir.

Mr. SPEAKER: This is the convention which we have been so long following with regard to circulation motions. It is bifurcated into two parts for the purpose of putting it to the vote of the House. If the first part is carried, then comes the question of date.

Rai HARENDRA NATH CHAUDHURI: But if the first part is defeated?

Mr. SPEAKER: Then the whole thing goes out.

Rai HARENDRA NATH CHAUDHURI: But you are holding out a hope to Dr. Sanyal?

Mr. SPEAKER: He will have his chance if the first part is carried.

Dr. NALINAKSHA SANYAL: If there is a convention as you suggest, the convention has not been one-sided decision of yours. It has been as a result of an agreement between your good self and ourselves so that if we chose to split up a certain motion into certain parts then only you had agreed to allow the same.

Mr. SPEAKER: I am sorry. Then in future I have got a perfect right to bifurcate a motion and I can take in parts.

Dr. NALINAKSHA SANYAL: As a matter of fact you cannot do that.

Mr. SPEAKER: Order, order. Sir Bijoy, are you going to give a reply?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment of Mr. Surendra Nath Biswas.

Mr. SPEAKER: He has no amendment. He wanted to make a statement.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The local Government, it is well-known to the members of the House, are not in any way responsible for the census operations. But the local Government are not aware of any defect in the present arrangement for taking census, but if any defects in the existing arrangement are brought to the notice of Government in a specific manner, Government will certainly be only too glad to forward them with their comments to the Central Government. That is all I can say.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I rise to support the motion for circulation. For the last few months we have had occasions to find how public opinion in Bengal has been seriously agitated over the manner in which the Government of Bengal had been trying to interfere with the census work in this province.

In the first place the Government of Bengal tried to recommend to the Central Government that so far as this province is concerned it was not necessary to take the sects under Muhammadans separately under the present census.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I rise on a point of personal explanation?

Rai HARENDRA NATH CHAUDHURI: No running comment can be allowed.

Dr. NALINAKSHA SANYAL: I am not willing to give way.

Mr. SPEAKER: Order, order, please.

Dr. NALINAKSHA SANYAL: Whatever Sir Bijoy has got to explain let him do so in his reply.

Mr. SPEAKER: I am very glad that a decision has been reached. I think the House will unanimously agree to the proposition that when a member is speaking there should be no interruption.

Dr. NALINAKSHA SANYAL: Sir Bijoy wanted to speak, Sir.

Mr. SPEAKER: I want you to accept that proposition. As a matter of fact, I am very glad Dr. Sanyal has brought in this good sense before the House. I hope he will strictly follow it.

Dr. NALINAKSHA SANYAL: I shall conduct myself entirely in a parliamentary manner, Mr. Speaker, and you need not remind me often times about it. You know I will not go beyond your rules.

Sir, the public of Bengal have also found that the Government of Bengal, or at least the Government of India at the instance and representation from certain members of the Government of Bengal have tried to modify the census schedules so far as this province goes as apart from other provinces. This matter has been drawn attention to and I do not know how the Government of Bengal is dealing with this question.

In the first place, complaints have been made that those who have been entrusted with numbering houses were chosen peculiarly from a particular community which might have some interest contrary to the fair recording of the number of the people in this province. (Mr. ABDULLA-AL MAHMOOD: Why don't you volunteer?) Are you the Census Commissioner?

Mr. SPEAKER: Order, order, please. It is really interruption of this character that compels me not to stop the interruptions of the Opposition, because if I find that members of the majority party in power indulge in such interruptions, how can I carry on?

Mr. ABDULLA-AL MAHMOOD: With due respect to you, Sir, I may say that for the last four years we have given every opportunity and heard him patiently. It is intolerable——

Mr. SPEAKER: Let me say this. It is only just now that we decided that there should be no interruptions. I was going to follow it, but if immediately after you make such interruptions how can I carry on the debate?

Dr. NALINAKSHA SANYAL: It is too well known, as it has been complained of not only from the press and the platform but also sufficiently brought home by experts who have analysed the census figures and proved to the hilt, that during the last census in Bengal there was a good deal of bungling. The bungling was probably due to the fact that certain members chose not to offer any co-operation in the matter of the census enumerations, but whatever that may be, the fact remains that some community had genuinely felt a grievance that their numbers were in some way put at a figure much lower than what they ought to have been. This year, therefore, when the census organisation was under operation, submissions were made through proper channels that, so far at least this province was concerned, particularly because there is some amount of distrust as between the communities, attempts should be made to see that all the major communities are properly represented in the organisation for the census. We have not yet had any assurance——

Mr. SPEAKER: I am sorry; but the prayer time commences now.

(At this stage the House was adjourned for 15 minutes.)

(After adjournment.)

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I was drawing attention to various public grievances that have been expressed in connection with the forthcoming census operation. In that connection I had pointed out how the distrust, which certain persons belonging to different communities, though unfortunately, bear in Bengal, has found expression in demanding certain arrangements. In the city of Calcutta it has been claimed that for the enumeration of houses, there should be at least equal proportion of Hindus and Muslims, so that there might not be any undue loading of one community over the

other. Thereafter, it has been claimed that in order to be able to make different enquiries we should have the Muslims of Bengal classed under different sects—Shias, Sunnis and Ahmedis. Correspondingly, the claim was made that so far as the Hindu community was concerned, there should either be just the same arrangement followed for all communities as during previous years, so that all the different castes and sects under Hindus, Muhammadans or Christians might be separately enumerated or no attempt at classifying Hindus only under various castes and sub-castes be tried. It is reported that the Government of Bengal have only so far managed or on their recommendation the Government of India have managed to arrange the enumeration of Scheduled Castes only, leaving out such castes as Mahisyas and the like who to-day for certain purposes form an important ethnological group in the Hindu community. We submit that there should be proper arrangements made for enabling the people of Bengal to know their position duly and to have all possible materials that may be required in connection with various investigations. Either Government should arrange for this thorough enquiry or if funds do not permit or if there be other administrative difficulties, Government should not try merely to manipulate the enquiries into a particular type of investigation which will create further breach amongst various communities and further accentuate the distrust of one community towards the other.

Moreover, I would like the Hon'ble the Minister to ascertain public opinion properly in this connection before the local bodies in Bengal are asked to contribute even a farthing towards the expenses of the current census. It has been pointed out to me that in the various Census schedules as well as in the arrangements that are being made so far, there is room for distrust between community and community. We would like an assurance from the Hon'ble Minister that they at any rate will do everything in their power to see that no possible distrust may have any room and we could expect at least that important and responsible members of various communities would be allowed a free scope, that is, would be allowed to co-operate freely in the matter of Census operations for the coming year.

Sir, I have only one word more to observe in this connection. I have got the information that certain officers under the Government of Bengal have been drafted on to the Census work. It has been reported to us that in the selection of such officers Government have not so far exercised sufficient care. Responsible members of the Civil Service—either the Indian Civil Service or the Provincial Civil Service—have not been consulted as to who would be the best persons for this work. Those who have had any training in economics and statistics would be competent to undertake this kind of work; but on the contrary, persons have been chosen who have in their own administrative line given evidence of communal bias in their local administrative spheres.

If Government do not exercise sufficient caution in the selection of officers and if the Government of Bengal draft on unsuitable officers to the Census work, their work will not be easy. I expect that Government will take sufficient caution in this respect and in order that the Government may have some time to enable themselves to examine all these questions properly, they would allow my motion of circulation for eliciting opinion thereon to be accepted. It will not make the Census impossible, because I have suggested the circulation of the Bill only up to the 31st December, 1940, and by the next session the Bill may be passed, if the House so desires, at a later stage, and if the Government find that their legal advisers recommend that this is within the jurisdiction of the Provincial Legislature.

With these few words, Sir, I press the motion for circulation of this Bill for eliciting public opinion.

Rai HARENDRA NATH CHAUDHURI: Sir, in anticipation of the motion that is now before the House, namely, the consideration of the Census Bill, I sent a question. The question was to this effect, viz., what arrangements have been made for securing correct enumeration eliminating communal prejudice and bias during the coming Census of the population in Bengal and whether any new departure is going to be made or has been recommended by the Government of Bengal to be made in the principles of enumeration in respect of the Muslims, the Hindus or any other section of the people of the province? I hoped Government would be fair in dealing with us and before introducing this Bill would come out with an answer to that question. That would have clarified certain matters and the Hon'ble Minister in charge in that case would have had no opportunity to allege that we were labouring under misapprehensions. But I am sorry, Sir, that the question has not been replied to though it was duly admitted by you and sent to the administrative department for reply. Dr. Sanyal has communicated to the House that certain rumours are afloat that the Government of Bengal have conveyed to the Central Government some of their communal ideas in the matter of enumeration. Whether that is true or not, that has got to be elicited. Sir, if the census is to be of any value, it must be a correct and unbiassed enumeration. There can be no doubt about that. We understand that the principle that has been adopted or recommended to be adopted by the Government of Bengal is that in the enumeration of the Muslim population, only Muslim enumerators should be engaged and that in the enumeration of the Hindu population, only Hindu enumerators should be engaged. If that be the idea, I must say that it will not lead to correct enumeration and that the census vitiated by communal bias will be of no value whatsoever. Government ought to accept the principle of joint enumeration if the census is to be reliable and of any real value. I would therefore like the Hon'ble Minister in charge to state clearly to the House

whether that principle, namely, the principle of joint enumeration, is going to be accepted by the Government or not. Secondly, if the Government of Bengal think that there should be no enumeration of the Muslim population by their different sects, in that case they ought to accept the principle that there should be no enumeration of the Hindu population by castes and sects. If in one case there should be enumeration by castes and sects, in the other case also there should be enumeration by sects even if there be no castes. I would therefore request the Government of Bengal to state clearly what are their representations in this matter to the Central Government and whether they stand for joint enumeration or not and whether they stand for the adoption of the same principles in the enumeration of the Hindu and Muslim sections of the population or not.

Mr. ABDULLA-AL MAHMOOD: I move that the question may now be put, as nothing is said on the merits of the Bill, but only motives are attributed.

Mr. SPEAKER: Order, order.

(Both Mr. Syed Jalaluddin Hashemy and Mr. Dhirendra Nath Datta stood up and the Speaker called Mr. Hashemy.)

Mr. DHIRENDRA NATH DATTA: I will only speak for two minutes, Sir.

Mr. SPEAKER: Let there be no controversy, let us agree that in, say, about 15 minutes we will finish.

Mr. ABDULLA-AL MAHMOOD: Will you please see, Sir, that the discussion does not go beyond the scope of the Bill?

Mr. SPEAKER: I may explain that the attitude of the Opposition is this: The argument is: "You want me to approve the contribution and therefore I have a right to say how the census should be taken." How can I rule it out?

Mr. ABDULLA-AL MAHMOOD: The discussion is not confined to the question of contribution. They are bringing in things which are not contained in the provisions of the Bill.

Mr. SYED JALALUDDIN HASHEMY: Sir, I rise to support the circulation motion from a realistic point of view. Sir, I don't agree with Dr. Sanyal with regard to the statement he made and the question of rumours stated by him. My point is simply this. I will ask the Hon'ble Minister to follow me. In the Statement of Objects and Reasons, the Hon'ble Minister has clearly stated in paragraph 4;

"Another object of the Bill is to provide for powers to enable Union Boards, etc., etc." Sir, it is yet to be ascertained whether the Union Boards want that power at all. In the last but one sentence of paragraph 4 of the Statement of Objects and Reasons, it has been stated that the expenditure will be voluntary and will be mostly concerned with the relief of enumerators which are an unpaid agency from various out-of-pocket expenses such as ink, paper, and perhaps in some cases boat hire. Sir, it is the duty of the Government to ascertain whether the Union Boards or municipalities want this power at all. I may tell the Hon'ble the Revenue Minister that without having this power they are spending money for similar purposes with the consent and express permission of the District Magistrates and Subdivisional Officers. I may tell the House from my own personal experience that the Union Boards are spending union funds in the shape of voluntary contributions to war funds, and the most funny thing is that District Magistrates, Subdivisional Officers and Circle Officers are issuing receipts for the money contributed and giving directions to the Presidents of Union Boards to contribute from the union funds. In the same way, Sir, if the Union Boards and local municipalities want to make any voluntary contributions for the census work, they can do so even without the power that is being sought to be conferred by this Bill. Therefore, I would request the Hon'ble Minister in charge to leave aside the question of passing this Bill and not thus to waste the time, energy and money of the provincial Government in attempting to pass this Bill. Sir, I belong to a Union Board and I know that that Union Board is spending money in this way in another shape and form, and they can go on doing so in this case as well. It goes without saying that these enumerators will not carry their own ink, paper and other things while touring from village to village. Sir, the area of a union varies from two to four square miles and it is not humanly possible for the enumerators——

Dr. NALINAKSHA SANYAL: The area varies not from two to four square miles but from twenty to thirty square miles.

Mr. SYED JALALUDDIN HASHEMY: I am speaking of my own Union Board: it is thickly populated and its area is about two square miles only.

In conclusion, Sir, I submit that in view of what is now actually being done in the mofussil there is no need to have a Bill of this nature passed by the Legislature.

Mr. DHIRENDRA NATH DATTA: Sir, I oppose the introduction of this Bill because I cannot be a party to a census which has, as one of its objects, the motive to create a gulf between the different communities living in this land. In that connection, Sir, I want to

make one suggestion and unless that suggestion is accepted by the House, I am not going to be a party to the passing of this measure. The suggestion is that all persons living in Bengal and speaking the Bengali dialect should be classed as Bengalis and if any religion is to be mentioned, it may be done at the option of the person concerned. But all persons living in Bengal and speaking the Bengali dialect should be classed as Bengalis. My idea is that all persons living in India should be classed as one people and the different languages spoken and the different religions professed may be recorded, if desired by the persons concerned. My point is that we are Indians first, and it should be so recorded in the census report. If this is done, it will to a great extent remove the communal disharmony now existing amongst us. But we shall be perpetuating the slavery of the people and widening that gulf of communal disharmony if the present system is allowed to continue. And for that reason we cannot support this measure.

Mr. SIBNATH BANERJEE: Sir, we have been trying so long to get a census of the unemployed and now is the occasion when this can be done. During the last four years, by means of resolutions, questions and draft Bills, we have been trying to get the number of the unemployed, but we have failed. Government have not so far done anything in the matter. But this is an occasion when something can easily be done at a minimum expense. When Government want to make municipalities and union boards to spend money on the item of census, the most profitable way of doing it is to find out the statistics of employment. I want the following things to be found out in the statistics. Where a man is employed at present. In which places he was employed in the past. If not employed, since when unemployed. Where he was employed before. For what period he was employed. What he was earning before. What he is capable of doing. What training—academic, mechanical and industrial—he has received. These are the facts that must be ascertained and then only it will be possible to do something for the unemployed. At present everybody knows there is unemployment, but nobody knows the extent of it and all the quarrels, communal quarrels, provincial quarrels, if properly analysed, at the root we will find it is mostly the question of unemployment and therefore if we want to remove either the provincial problem or the communal problem, the first essential thing is to get the number of employed and unemployed and those who are not employed where they could be employed.

With these words I support the circulation motion so that proper attention may be given to this aspect of the question.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. Sir, this is a very simple Bill and the object has been clearly explained. We have got three objects, namely, to

make the Calcutta Corporation and other municipalities, the population of which is over 5,000, to contribute towards the cost of census on the same basis as they did on the previous occasion. Secondly, to give a power of voluntary contribution to municipalities the population of which is below 5,000 and also to union boards to make a contribution of not more than Rs. 10 for meeting certain out-of-pocket expenses of enumerators and others employed on census operations. Thirdly, to enable the district boards to earmark a portion of the contribution which they may make to the union boards for this particular purpose. These are the three objects of this Bill.

Now, this Bill does not seek to introduce any new principle. As a matter of fact, the local bodies had been contributing towards the imperial census from the first census. (Dr. NALINAKSHA SANYAL: Imperialism is dead now.) The change in the Government of India Act has made census a central subject and the local bodies a provincial subject and that is why it has become necessary to introduce this Bill, because we cannot now authorise or ask the local bodies to contribute by issuing a notification under section 15 of the Census Act of 1939.

The Calcutta Corporation, the principal local body, has already agreed to contribute on the same basis as in 1931. The Estates and General Purposes Committee scrutinised this matter and the Corporation ratified the resolution of the Estates and General Purposes Committee agreeing to contribute to the extent of 50 per cent. of the cost. (Dr. NALINAKSHA SANYAL: They have been bluffed by Government.)

Sir, is it not a running comment?

Mr. SPEAKER: Well, he is parliamentary.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At least when it is made by Dr. Sanyal, it is parliamentary.

Sir, no new principle is sought to be introduced by this Bill. As a matter of fact, my honourable friends opposite agree almost unanimously that census is necessary. My honourable friend, Mr. Dutta, however does not agree. According to him the object of census is only to bring about communal disunity and to accentuate communal differences.

Sir, Dr. Sanyal has said that the Government of India have modified the system of classification at the suggestion of the Government of Bengal and there has been considerable interference in the census operations by the Government of Bengal. I repudiate that charge. First of all, Sir, the Government of Bengal has not made any interference in the census organisation or system. On the other hand, the Government of Bengal insisted that the old classification of Hindus by

castes should be maintained. The Government of India said that they were not prepared to continue that system. The Government of Bengal, therefore, agreed to contribute towards the additional cost that might be incurred for the purpose and the old system is going to be maintained. So, my friend should have no apprehension on that ground.

As regards the question put by Rai Harendra Nath Chaudhuri, I was going to reply to that yesterday, but unfortunately we were very much pressed for time yesterday and so that question could not be replied. That would have made everything clear on the lines of what I have just stated.

As regards the suggestion for appointment of joint enumerators, *i.e.*, Hindus and Muhammadans together, it is one of the points that has been brought to the notice of the Government of Bengal, and I may observe that Government propose to make that suggestion to the Government of India. (Rai HARENDRA NATH CHAUDHURI: Joint enumerators?) Yes, the proposal is that there should be one Hindu and one Muhammadan enumerator for avoiding all suspicion or misunderstanding about the accuracy of enumeration. In view of this proposal by Government, I see no justification for this motion, and I hope that my honourable friend will agree to withdraw it.

Srijut NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the system of enumeration of Muhammadans according to sects will be continued along with the Hondus?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

The motion of Mr. Surendra Nath Biswas that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, be circulated for the purpose of eliciting opinion thereon, was then put and lost.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Local Authorities Census Contribution Bill be taken into consideration, was then put and agreed to.

Clauses 1 and 2.

The question that clauses 1 and 2 stand part of the Bill was then put and agreed to.

Clause 3.

Mr. MD. ABUL FAZL: Sir, I beg to move that in clause 3, lines 2-3, after the words "Provincial Government may" the words "after consulting the municipality" be inserted.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I oppose this amendment, because if the discretion is left to the Government of Bengal, they will certainly take into consideration the financial aspect.

The motion was put and lost.

Mr. SURENDRA NATH BISWAS: I beg to move that in clause 3, in line 3, after the word "prescribed" the following words be inserted, namely:—

"but not exceeding ten per cent."

I also beg to move that in clause 3, in line 6, for the figures "5,000" the figures "25,000" be substituted.

With regard to No. 9 my proposal is very simple. In clause 3 of the Bill it has been provided that the Provincial Government may direct any portion as may be prescribed of the expenses connected with the taking of the census in any municipal area having a population of 5,000 persons or over to be charged to the municipal fund. In the case of the Calcutta Corporation a limit has been given, but in the case of Bengal municipalities it has not been stated how much from the municipal fund should be contributed towards the expenses of the census. From the wordings of clause 3 it may be taken that the municipalities of Bengal may be asked to contribute more than one-half of the expenses connected with the census operation. To my mind that will be unfair. If and when the Calcutta Corporation will be asked to contribute 50 per cent. of the expenses, the Bengal municipalities should not be directed to pay more than 10 per cent. We are all aware that the Bengal municipalities are all poor municipalities. For want of money they cannot carry on their work properly; and many municipalities are running their administration with financial difficulties. Whenever they will be directed by the Provincial Government to contribute anything, they will find it extremely difficult to pay. However, Sir, when they are to pay a portion of the expenses, it is just fair that they should not be required to pay more than 10 per cent. I therefore hope that my amendment No. 9 should be accepted.

Then, Sir, with regard to my amendment No. 11 I want to say that no municipality having a population of less than 25,000 persons should be directed to pay the expenses. Sir, I find in the Government publication about the municipalities in Bengal that out of 118 municipalities, only 9 municipalities have got a population of 5,000 and less and the rest of 109 municipalities have got a population of over 5,000. Practically all the municipalities will be required to pay for census. I come from a municipality with a population of about 25,000 and I know the financial condition of that municipality. That municipality is not in a position to pay a single farthing for expenses other than those which it is normally required to incur. Such is the case

of most of the municipalities having a population of 25,000 and less. I hope the members of this House, and especially the members of the Coalition Party who have some idea about the mufassal municipalities will realise the situation that will be created if this Bill is passed into law and will sympathise with and support my motion that no municipality having a population of 25,000 persons and less should be directed to contribute towards the expenses of census. My amendments are very simple and I hope the Hon'ble Minister will accept them.

Srijut NARENDRA NATH DAS GUPTA: Sir, I beg to move that in clause 3, line 6, for the figures "5,000" the figures "15,000" be substituted.

Sir, I also beg to move that in clause 3, in line 4, after the word "expenses" the words "after taking into consideration the financial position" be inserted.

সভাপতি মহাশয়, এই সংশোধনী প্রস্তাবটা উপস্থিত করা উপলক্ষে দু' চারটে কথা বোল্‌ছি। প্রথমতঃ কথা হোচ্চে এই যে বাংলাদেশে যে সমস্ত ইউনিয়ন বোর্ড আছে তার মধ্যে অধিকাংশ যুনিয়নেরই লোক সংখ্যা পাঁচ হাজারের বেশী। তাদের সম্বন্ধে contributionটা যে voluntary করা হোয়েছে সেটা খুব ভালই করা হোয়েছে। কিন্তু যে সমস্ত মিউনিসিপালিটির লোক সংখ্যা মাত্র পাঁচ হাজার সেখানেও তাদের পক্ষে বাধ্যতামূলক ভাবে, গভর্ণমেণ্ট যে হার নির্ণয় কোরবেন সেইটেই দিতে হবে—এরূপ ব্যবস্থাটা তাদের প্রতি বিশেষ জুলুম হবে বোলেই আমি মনে করি।

তারপর দ্বিতীয় কথা হোচ্চে এই যে অধিকাংশ মিউনিসিপালিটি, যাদের লোক সংখ্যা দশ হাজার হোতে ১৫ হাজার তাদের আর্থিক অবস্থা এত শোচনীয় যে তারা নিজের অতি আবশ্যক খরচই অনেক সময় সংকুলন কোরতে পারে না। এ অবস্থায় যদি Provincial Government তাদের উপর সোজাসুজি একটা টাকা নির্দ্ধারিত কোরে দেন তবে তাদের খুব বেগ পেতে হবে। সেইজন্য আমি এই কথা বোল্‌ছি যে তাদের আর্থিক অবস্থাটা বিবেচনা কোরে যদি তারা দিতে সক্ষম হয় তবেই দিতে হবে এই পথটা খোলা রাখ্‌বার জন্যই আমি এই সংশোধনী প্রস্তাবটা এনেছি।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose all these amendments. As regards amendment No. 9, the fixing of a percentage will entail a very elaborate calculation and it will be difficult to undertake such calculations in settling the contribution.

As regards amendment No. 10, Government will take into consideration the financial position of the municipality concerned. If the discretion is left to Government, I do not think any injustice will be done to any local body.

As regards amendments Nos. 11 and 13, there are 117 municipalities, of which only 27 municipalities have population of over 25,000 and 53

municipalities have population of over 15,000. So if these amendments are accepted, a large number of municipalities will be exempted from the operation of this provision regarding contribution.

The motion of Mr. Surendra Nath Biswas that in clause 3, in line 3, after the word "prescribed" the following words be inserted, namely,—

"but not exceeding ten per cent."

was then put and lost.

The motion of Srijut Narendra Nath Das Gupta that in clause 3, in line 4, after the word "expenses" the words "after taking into consideration the financial position" be inserted, was then put and lost.

The motion of Mr. Surendra Nath Biswas that in clause 3 in line 6, for the figures "5,000" the figures "25,000" be substituted, was then put and lost.

The motion of Srijut Narendra Nath Das Gupta that in clause 3, line 6, for the figures "5,000" the figures "15,000" be substituted, was then put and lost.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that the following further proviso be added to clause 3, namely:—

"Provided that the expenses referred to in this section shall not include any portion of the salaries and allowances of any officer connected with census operations whose services are not required exclusively for the municipal area concerned."

Sir, I also beg to move that the following further proviso be added to clause 3, namely:—

"Provided that the expenses referred to in this section shall not include any expenses other than out-of-pocket expenses of the enumerators, such as ink, paper and travelling allowances."

Sir, from the Bill it is not clear what will be the probable expenses incurred for the purpose of census within a municipal area and what will be the items of expenditure, whether the salaries of the big officers of the Central Government will be charged as expenses to be paid by the municipality or only those of the local officers. But it appears from the wordings in clause 3 that all expenses incurred, whether it is before or after the commencement of this Act, connected with census in any municipal area, not only the salaries of highly paid officers but also the salaries of all officers connected with census operations, their travelling allowances, house allowances and other expenses may be charged as expenses incurred in connection with census operations and the municipalities will be asked to contribute

major portions thereof. My objection is that all such expenses should not be charged as expenses for conducting census operations in the municipal area. The municipalities should be asked not to pay any portion of expenses other than certain enumerated expenses not including any portion of the salaries and allowances of any officers connected with census operations whose services are not required exclusively in their areas. There may be many servants of the Census Department who will do work of many municipalities. My submission is that the municipalities should not be asked to contribute towards the salaries and allowances of any such officers. The municipalities may be asked to contribute to the expenses of those officers only whose services will be required exclusively for the census work in their respective areas. So, I submit that it is a very reasonable proposition and that it should appeal to the members opposite, to whom nothing has appealed up till now. I hope that this amendment will be accepted.

With regard to amendment No. 16, I submit that no expenses except the out-of-pocket expenses of enumerators such as ink, paper and travelling allowances should be charged against any municipality. Sir, the municipalities may be prepared, as Mr. Hashemy has just now suggested, to contribute towards the expenses of poorly paid enumerators so far as their expenses such as contingencies and travelling allowances are concerned. The municipalities may be asked to pay that only and not to pay any money beyond those limited items of expenses.

I hope that my amendments will be found reasonable and will be accepted by Government.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid these amendments are very unreasonable and so I have to oppose them.

First of all, I may assure my honourable friend that it is never the intention that the salaries of Government officers should be covered by these contributions. As a matter of fact, it was never the practice in the past, and it is not going to be the practice in the future.

Dr. NALINAKSHA SANYAL: Where is the guarantee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is the assurance we have got from the Government of India, and I repeat that assurance here.

Mr. SURENDRA NATH BISWAS: Then, should he not give me the assurance?

Mr. SPEAKER: He does not give you. He gives the assurance on the floor of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Some portion of the salary of Government servants who may be employed on enumeration may have to be charged to this contribution. That is so far as amendment No. 15 is concerned.

As regards amendment No. 16, Sir, if the honourable member's amendment is accepted, it will limit the contribution for only particular purposes and there are certain contingent expenses which will not be possible to meet out of these contributions. So, I oppose the amendment.

The motion of Mr. Surendra Nath Biswas that the following further proviso be added to clause 3, namely:—

"Provided that the expenses referred to in this section shall not include any portion of the salaries and allowances of any officer connected with census operations whose services are not required exclusively for the municipal area concerned."

was then put and lost.

The motion of Mr. Surendra Nath Biswas that the following further proviso be added to clause 3, namely:—

"Provided that the expenses referred to in this section shall not include any expenses other than out-of-pocket expenses of the enumerators, such as ink, paper and travelling allowances."

was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

Clause 4.

The question that clause 4 stand part of the Bill was also put and agreed to.

Clause 5.

Mr. SPEAKER: I shall now take up items 26 and 27.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 5, in lines 3 to 5, for the expression beginning with the word "direct" and ending with the word "area," the words "at the time of making a grant to any union board within its area direct that any portion of such grant" be substituted.

I also beg to move that in clause 5, in lines 3 to 5, for the expression beginning with the word "direct" and ending with the word

"shall" the words "at the time of making a grant to any union board within its area direct that a sum not exceeding ten rupees out of such grant may" be substituted.

Sir, if my amendment is accepted, clause 5 will read as follows:—

Notwithstanding anything contained in the foregoing sections or in any enactment or rule in regard to local or union funds, any district board may, if it thinks fit at the time of making a grant to any union board within its area, direct that any portion of the grant may be spent in meeting any expenses incurred in connection with the taking of the census within the union.

What I aim at is that the district board should not direct a union board to pay a contribution out of the annual grant made by the district board. What happens generally is that district boards make annual grants to union boards and the union boards frame their budget according to the amount of the annual grants received. When already they have framed their budgets, they should not be asked to pay any expenses towards the census operation out of the annual grant given by the district boards. What I submit is that the district board may, at the time of making the grant, direct that the union board concerned should pay a certain portion out of the grant towards the expenses of the census operation, so that the union board may know what portions would be available to the union board for spending for their own purposes. My amendment is very simple and it is only fair that such a direction should be there instead of a general direction.

Then, Sir, with regard to my amendment No. 27, I submit that it has been provided in this Bill that no union board may pay more than Rs. 10. The district board also should not direct a union board to pay more than Rs. 10. After all the district board money realised in the shape of road and public works cesses is meant for the benefit of the local people so far as roads and public works matters are concerned. I submit that that money should not be spent for other such purposes as should fall under the jurisdiction of the Government of India. Sir, my requests are very simple indeed, and I hope the House will accept them.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Mr. Biswas wants to limit the discretion of the district boards. I think that a general direction is much better than a direction in a restricted form as suggested by Mr. Biswas. Sir, I oppose the amendments.

The motions that in clause 5, in lines 3 to 5, for the expression beginning with the word "direct" and ending with the word "area," the words "at the time of making a grant to any union board within its area direct that any portion of such grant" be substituted;

and that in clause 5, in lines 3 to 5, for the expression beginning with the word "direct" and ending with the word "shall," the words "at the time of making a grant to any union board within its area direct that a sum not exceeding ten rupees out of such grant may," be substituted,

were then put and lost.

The question that clause 5 stand part of the Bill was then put and agreed to.

Clause 6.

Dr. NALINAKSHA SANYAL: Sir, may I draw your attention to the fact that clause 6 (*c*) gives the rule-making power to Government in any matter for which there is no provision or insufficient provision in this Act and for which provision is, in the opinion of the Provincial Government, necessary for giving effect to the purposes of this Act? Sir, it is never permissible to give power to Government in making rules with regard to matters which are beyond the provisions of an Act. I seek your protection at least in this respect, as here Government propose to take a power which is not even contemplated by any provision of this Act itself. I would submit that the Hon'ble Minister in charge should think twice before taking such a step.

Maulvi ABU HOSSAIN SARKAR: Sir, I only formally move my motion that clause 6 (*2*) (*c*) be omitted. The reason has been practically given by Dr. Sanyal. I only submit that the power wanted is vague and wide.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am afraid——

Dr. NALINAKSHA SANYAL: I have raised a point of order.

Mr. SPEAKER: All that I can say is it looks a dangerous clause. There is no doubt about that, but I cannot say that it is *ultra vires*.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I was going to submit that this sub-clause (*c*) has to be read with the words "The Provincial Government may make rules to carry out the purposes of this Act." So, I think that should remove all apprehensions of my honourable friend Dr. Sanyal, because Government are not suggesting that they should be invested with rule-making powers for purposes other than for carrying out the object of this particular Act. I oppose this amendment.

The motion of Mr. Abu Hossain Sarkar that clause 6 (*2*) (*c*) be omitted was then put and a division called.

Mr. SPEAKER: The matter has been discussed amongst ourselves. If the House agrees, the Hon'ble Minister is prepared to delete the words "no provision or" in clause 6 (*c*). (Cries of "Yes, yes.")

The motion of Maulvi Abu Hossain Sarkar that clause 6 (*2*) (*c*) be omitted was then put and lost.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move this short notice amendment that in clause 6 (*2*) (*c*), in line 1, the words "no provision or" be omitted.

The motion was put and agreed to.

The question that clause 6, as amended, stand part of the Bill, was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, as settled in the Assembly, be passed.

Mr. SANTOSH KUMAR BASU: Sir, on behalf of my party, I consider it my duty to lodge my protest against this Bill being passed into law. By this Bill, this Legislature is called upon to sanction a measure which seeks to take off a very big portion of the burden of the Government of India and to transfer it to the shoulders, the weak and unfit shoulders, from the economical point of view, of the local authorities in this province. It is perfectly well known that the local authorities in Bengal are almost starved to an extent which it will not be possible for any local authority in any other country to contemplate. They cannot discharge their ordinary functions; they cannot bear the burden of meeting the demands of their rate-payers. But to-day the Government of Bengal comes forward with a proposal that the Government of India should be relieved of their statutory burden and that burden should be transferred to the shoulders of local bodies in this province. I do, on behalf of our party, enter my emphatic protest against this attempt on the part of Government. Government are anxious to augment their own sources of revenue by enacting a Sales Tax Bill. At the same time, in the same breath, they come forward to burden the local authorities with charges and costs which are certainly not theirs under the law. At an earlier stage in the proceedings, we raised the question that it would not be competent for this Legislature to enact this Bill. You, Sir, ruled that it was competent for this Legislature to go into this matter and to enact this Bill into

law. To that decision we bow, but, at the same time, we do say that it will not be without any protest from this side that we shall allow this Bill to be enacted and placed on the statute book.

Sir, the Hon'ble the Revenue Minister has stated before this House that the Corporation of Calcutta has passed a resolution making a voluntary offer of contributing to the census operations in Calcutta. If this Bill had left it to the local authorities to arrive at voluntary resolutions making such offers as the Corporation of Calcutta, as I mentioned just now, has done, that would have been a different matter. This Bill, however, empowers the Local Government to compel the local authorities to make contributions for carrying out census operations in those particular areas. Our local authorities are starved to an extent that it is impossible to contemplate. I know that various bodies under the Government of India always resent being taxed by the local authorities. I would remind this House of the provisions of section 135 of the Indian Railways Act which enacts that without a notification of the Government of India no taxes can be levied by any local authority upon the Railways. So much burden is taken off the shoulders of the Railways, and the public bodies are crippled to that extent from the financial point of view. Even to-day the High Court has passed a judgment holding that the Railways are not liable to pay for the Fire Brigade in Calcutta, Howrah and the neighbouring municipalities. In this way the burden of the Government of India, the legitimate burden which the local authorities can impose upon them, has been taken from the shoulders of these authorities under the Government of India. And to-day the Government of Bengal comes forward with this Bill in order to take off a further considerable portion of the legitimate financial burden from the shoulder of the Government of India and to impose that burden on the shoulders of the ill-fed, half-starved local authorities in this province. Sir, we record our strongest protest against this arbitrary and ill-conceived measure.

Maulvi GIASUDDIN AHMED : এই ছেঞ্চাস বিল সম্বন্ধে আমি কৃষক প্রজা-দলের পক্ষ থেকে আমাদের মতামত জানিয়ে দেওয়া অত্যন্ত প্রয়োজন বোধ করি। যে ছেঞ্চাস বিল এখানে আনা হোয়েছে সে বিল বাংলার বিষয় নহে। Census সম্বন্ধে যে দায়িত্ব তা Central Governmentএর। Central Government কি উপায়ে টাকা সংগ্রহ কোর্ব্বেন বা খরচ কোর্ব্বেন তা তাঁরা চিন্তা করুন। এসম্বন্ধে বাংলা গভর্ণমেণ্ট বাংলাদেশের ইউনিয়ন বোর্ডগুলির উপর যে tax বসাবার ব্যবস্থা কোরছেন তা দ্বারা প্রকারন্তরে জনসাধারণের উপরই ট্যাক্স বসান হোচ্ছে আমি এই ব্যবস্থার নিন্দা কোরছি এবং তীব্রভাবে এর প্রতিবাদ জানাচ্ছি। ইউনিয়ন বোর্ডগুলির খবর যাঁহারা অবগত আছেন তাঁহারা একথা স্বীকার কোর্ত্তে বাধ্য হবেন যে ইউনিয়ন বোর্ডগুলি টাকার অভাবে তাদের প্রয়োজনীয় কাজগুলি কোর্ত্তে পাচ্ছে না। তারা কোথাও কোথাও দুই তিনটি বোর্ড মিলে ডাক্তারখানার ব্যবস্থা কোরে থাকলেও টাকার অভাবে উপযুক্ত ঔষধ ও ডাক্তারের

ব্যবস্থা কোর্ত্তে পাচ্ছে না। তারপর ইউনিয়ন বোর্ডগুলি গ্রামে গ্রামে শিক্ষা বিস্তারের ব্যবস্থা ও রাস্তাঘাটের ব্যবস্থা টাকার অভাবে কোর্ত্তে পাচ্ছে না। তারা নিজেদের কাজ নিয়েই অত্যন্ত ব্যস্ত। তাহার উপর যদি Central Governmentএর কাজের জন্য বাংলার মন্ত্রীমণ্ডলী সহানুভূতি দেখাইতে গিয়া নূতন taxএর ব্যবস্থা কোর্ত্তে চান তাহোলে তাহা কিছুতেই সমর্থন করা যায় না। বাংলা গভর্ণমেণ্ট এসম্পর্কে Central Governmentএর সঙ্গে কোন কিছু agreement কোরেছেন কিনা আমরা জানি না। কিন্তু একথা আমি বোল্‌তে বাধ্য যে Central Governmentএর সঙ্গে agreement করার পূর্ব্বে এই Houseকে confidenceএ নেওয়া উচিৎ ছিল। এই বিষয়ে আমরা তাঁদের প্রশ্রয় দিতে পারি না। এই হিসাবে কৃষক প্রজাদলের পক্ষ থেকে আমরা এই বিল সমর্থন কোর্ত্তে কিছুতেই রাজী নই। এই সম্পর্কে আরও দু'একটি কথা বোল্‌তে চাই। ইতিপূর্ব্বে যে Sales Tax Bill আনা হোয়েছে তাতে প্রজাসাধারণের উপর taxএর উপর tax বসাবার ব্যবস্থা করা হোয়েছে। বাংলার জনসাধারণ আর করভার বহন কোর্ত্তে পারে না। আমার এই বক্তৃতা থেকে একথা কেহ মনে কর্ব্বেন না যে আমি censusএর প্রয়োজনীয়তা অনুভব করি না। Censusএর যথেষ্ট প্রয়োজন আছে। আমি বোল্‌তে চাই যে এই সম্পর্কে খরচ Central Government বহন কোর্ব্বেন। Central Governmentএর হাতে টাকা আছে কি নাই তা আমি বুঝতে চাই না। আমি কেবল এই কথাই বোল্‌তে চাই যে বাংলার জনসাধারণ এই সম্পর্কে কোন tax দিতে রাজী নয়। এই কয়টি কথা বোলে আমি আমাদের কৃষক প্রজাদলের পক্ষ হইতে বিলটির বিরোধিতা কোচ্ছি।

Mr. NIHARENDU DUTTA MAZUMDAR: I oppose this motion. This Bill, which has been termed "The Bengal Local Authorities Census Expenses Contribution Bill", might have more correctly been termed "Bengal Local Bodies Taxation Bill" to really characterise its true nature. This session has been marked by the passage of a number of Taxation Bills. We find that the Government of Bengal has come before this House with those taxation measures knowing and pleading that the Government is tottering on the verge of financial collapse and therefore, Sir, it wanted more money and came forward with the notorious Sales Tax Bill. It came with a Petrol and Motor Spirit Tax Bill. I do not know whether it is going to come forward with a Liquor Spirit Taxation Bill. Probably that will be left out of the pale of their legislative efforts and performances. The Ministry has been so intoxicated with Taxation after Taxation Bills that it now comes forward with another—this present Bill, Local Bodies' Taxation Bill, as I have called it, under the camouflage title of the Bengal Local Authorities Census Expenses Contribution Bill. The Government came forward and said that it must have a Sales Tax Bill passed and that Sales Tax must be paid by the general consumers, by the workers, by the public in general with a view to make up the financial deficits of the Government. Taxation forced upon the people due to no fault of theirs, but wholly and solely on account of deficits brought about

by the financial bunglings of an incompetent Ministry, which now come forward with yet another Bill to tax all local bodies in the province. We are very well aware that during the last one year since the War broke out, the income of the people has not been increased. We know, Sir, on the contrary, that the income of the people which rests chiefly on the price of jute has gone down. It has gone down so low that the only commodity which can bring some income to the homes of the people in general in the form of money exchange value lies absolutely inert and without the least value being realised in return for the cultivation of the crop for which they had incurred expenses.

Now, Sir, why does this incompetent Ministry fail to take any measure to increase the income of the people in Bengal and come forward with Taxation Bills after Taxation Bills and try to extort more and more money from the people in general despite the fact that their income has been diminished to the least possible scale. It is inviting disaster for the province, it is inviting rebellion and revolt from the province. The hectoring members of the Ministry whose notoriety is not confined only to the province but the notoriety of some of whom has attained an all-India fame, must know that the people being tired of Bills after Bills of taxation may resort to some form of disturbance. You are not raising the income of the people but at the same time you are trying to extort money from them and thereby you are driving them to desperation, you are driving them to rebellion against taxation. They should remember that the whole of Bengal will rise in rebellion against this continued influx of taxation. The day is not far off when we shall see the fall of these hectoring Ministers who are getting into the habit of bullying and browbeating the people and throwing challenges after challenges. This session will be memorable in the course of the whole term of this Legislature as the session of organised looting of the people of Bengal, and epidemic of taxation measures. From point of view of the disastrously falling income of our people, Government ought to have been ashamed to bring this Bill forward in this House.

In this Bill, Sir, another thing deserves our attention. The principles on which census figures have to be collected are not determined by this House. The people of this province and this House in particular were not at all consulted with regard to the data which should be collected in the course of the census. Sir, census that comes once in a decade involving tremendous expenses, involving colossal labour, might be rendered useful if proper data were collected which would help Bengal, which would help the people in general, to collect information scientifically by which they can come to grips with many problems and the basis of their solution about which they are in utter darkness at the

present moment. For instance, my friend Mr. Sibnath Banerjee has pointed out a number of things on which we require data, we require figures and we require materials. On these the House was not consulted. For the last four years we have been hearing about promises of schemes, nation-building schemes to open up a new era of prosperity for the province, but we have so far seen not a single step taken by the Government of Bengal to give effect to any scheme. If the Government of Bengal really and sincerely want to come to grips with the real problems of the whole province, they must have data. Sir, in the course of the last four years, Government has shown neither the readiness to give time nor the inclination to come forward before this House for any measure, for any grants, which will enable them to collect the data which are needed for the reconstruction of Bengal. On that score, the Government has received criticisms. I think the Government of Bengal confess in the Statement of Objects and Reasons that at the request of the Government of India the Government of Bengal agree to co-operate by forcing another taxation measure on the local bodies. Surely, Sir, this communication from the Government of India must have been received a considerable time ago. The Government of Bengal had time enough to ponder over the problems raised in this House. Why did not the Government of Bengal make a reference to this House? Why did not they come forward with a view to consult the wishes of this House or with a view to get suggestions of this House as regards the data which this House should consider useful to obtain? Sir, the Government of Bengal have no hand in the planning of the census figures. That is dictated and determined by the high British politics and the dwarf little Government of Bengal reach nowhere near the directing brains of the high politics of British Imperialism where they design all their black schemes. They always collect data, they always collect statistics and they always move with a set purpose. This House has been treated as a pantomime show with a view to give effect to the wishes of the supreme powers behind the Government of India and the forces behind them which are operating from behind the scenes in a sinister fashion. Here we find that every means is adopted with a view to take and collect statistics in such a fashion that they can create the maximum of difficulties and disruption for our people with a minimum of gain or no good result. With a view to come to grips with the problems of Bengal, for instance, in respect of those things which Mr. Sibnath Banerjee thinks will be useful, I venture to say that every member of this House, Coalition and the Opposition alike, every member in every public body, would volunteer to give free labour to ascertain facts and figures if the Government came forward and gave a lead. They have not done so. This shows that it is a *mala fide* measure of taxation. There is no denying the fact that

to-day they have come forward as tools in the game of the Government of India to collect materials which will divide us all the more. Every Hindu, every Muslim, every inhabitant of Bengal able to work, needs some form of labour. He needs certain food to eat; he needs certain clothes to wear; he needs certain dwelling facilities required for a healthy human being. Sir, if we approach the question from that human and scientific standpoint, then all these calculations, whether a man is a Shia or a Sunni, a Hindu or a Muslim—these are sinister and designed artifices—become useless. We need to plan out how to give employment to the people; we need to plan out what number of people precisely will want employment and we need to find out what technical experts are available amongst us. These things are suppressed and not even called for. There is no place, whatsoever, in the columns of the census books which are to be filled up, for these things. Instead of that we find that the record of the number of persons and of other rubbish are taken in the preparation of our census. Sir, it is no good counting the heads of our people like the counting of heads of the dumb driven cattle. If the gentlemen on the other side of the House are so eager to descend themselves to the level of the dumb driven cattle, then they may do so, but I ask them to relieve us from being a party to it; I ask them in the interests of the people of Bengal, in the interests especially of the rural people, not to have a census taxation of this nature. Moreover, the census relates to an administration over which we have no control. In these circumstances, this Bill, I consider, is a highly undesirable Bill to be brought before this House, and this House should have no hesitation in rejecting it. Let the Government take all sides of the House into their confidence and set up its own machinery for collecting the figures that are really needed for the real uplift of Bengal. But there is absolutely no sense in our paying small contributions out of the funds of our poor local bodies. Bengal can pay lakhs, nay, even crores, of rupees for the real benefit of the children of the soil. Whenever the Government came forward for money for such purposes, they have got it. Bengal never lagged behind in providing Government with money for beneficent measures. But in spite of that, there has been a failure on the part of Government to tackle the great problems which are now facing us; and the Government which has thus proved itself to be incompetent has now become definitely mischievous—a Government which in spite of imposing additional taxes cannot even adequately tackle the devastations of malaria. Only in the last session on the floor of this House questions were asked about the epidemic of malaria which then broke out in several districts. The Hon'ble Minister said, "Yes, some information has been received and Government are considering the matter". Several months have passed since then, but nothing adequate has been done and perhaps the Ministers are not even aware of the terrible effect

of such devastations. Nothing is done by this Government, Sir, so far as the real benefit to the people is concerned, the local bodies are already left with inadequate resources to tackle these problems, and now these local bodies will be forced as a result of this measure to make contributions to the Government of India, and not having been able so long to tackle these problems owing to inadequate resources, they will now be far less able to do so. In all humility to the Hon'ble Ministers, Sir, I suggest to them and to the members opposite to take note of the activity of the Government of India at the present moment in the matter of cattle census. Government know and probably many of my honourable friends opposite know that the Government of India is taking all kinds of cattle census in India as well as statistics of our agricultural produce. The Government of India directed the counting of domestic animals and at its direction statistics have been collected as to the number of chicken, the number of goats, the number of cows you possess as also the quantity of potato you produce in every village. It may be that the Government of India is doing this with a view to assessing the resources of the country for the purpose of rationing for its troops, for it is visualizing a prolonged war. And the Government of India is spending all the money required for this. The Government of India can spend hundreds of crores of rupees for its own purpose, and how is it that it cannot find a few thousand rupees for the purpose of its census operations? The Government of Bengal, knowingly and deliberately, I say, has become a party to these machinations and misdeeds of the Government of India with a view to impose unnecessary additional taxation on the people. These are some of the aspects of the Bill which cannot escape our attention, and those members, who vote for this Bill after being fully aware of all these implications, take upon themselves a heavy responsibility. They must remember that they will have to be answerable to the people and to their constituencies and to their own conscience about the part they have played with regard to this Bill.

Through you, Sir, I appeal to the House that this Bill should be thrown out and I make bold to take it upon myself to assure the members opposite on behalf of the members on this side of the House that if Government come forward with another Bill with regard to the collection of census materials—a laudable object indeed—this House will give its wholehearted support to it; and this House will surely grant money as adequately as possible to meet all such expenses. Sir, let there be co-operation, let there be a united and combined effort, with a view to effecting real nation-building; but do not play the second fiddle to the Government of India and bring ruination to the people of Bengal for which this Ministry stands at the bar of Bengal's public opinion, answerable to the people of Bengal as a whole.

Sir, I record my strongest opposition to the passage of this Bill through this House.

(At this stage, Mr. Speaker was on his legs and actually putting the motion to the vote of the House, when Mr. Kshetra Nath Singha rose up and spoke as follows.)

Babu KSHETRA NATH SINGHA: Sir, I was on my legs but without casting your eyes to our side you rose up and straightway began to put the motion to the vote of the House. Sir, we have always been ignored, but I want to know why we have thus always been ignored. We are very much concerned with this matter, and you are going to do an injustice to us by denying us to give an expression to our feelings on this vexed question.

Mr. SPEAKER: Order, order. Question has been put and I will now put the motion.

Dr. NALINAKSHA SANYAL: Sir, Mr. Singha was on his legs and you may allow him.

Mr. SPEAKER: I would have done it but for the statement which Mr. Singha has made. I refuse to do it now. As a matter of fact, their group never takes any opportunity. Last day I called out his name and he was then looking calmly on the other side. I could not help it

Mr. SANTOSH KUMAR BASU: May I ask you to relent on this occasion and not consider the statement of Mr. Singha?

Mr. SPEAKER: I would have been relenting but for the fact that it seems there is a lurking impression on that community that they are suffering, that everybody is there with a view to suppress them and it seems their attitude is also reflected here.

Mr. SANTOSH KUMAR BASU: On this occasion by your decision you can show that they are not suffering.

Mr. SPEAKER: All right, I allow on this occasion.

Babu KSHETRA NATH SINGHA: Mr. Speaker, Sir, I rise to oppose the Bill. In opposing the Bill I am not going to speak big things like my friend Mr. Dutta Mazumdar, neither I am speaking about the general condition of things. Neither I am speaking about the Hindu or Muslim question or the question of appointing enumerators or supervisors or some other persons. Sir, I must limit my speech to our own condition of the Scheduled Castes people.

Sir, I will just mention the various cases of injustice done to the Scheduled Castes of Bengal. When the first census was taken in 1872, one Mr. Risley under the influence of the Bengali Pandits or somebody else put Rajbanshis amongst the hill tribes. We are glad to know we come from the hills; we would have been glad even if we came from Central Asia or from Bolshevik Russia. But unfortunately our position is this, that we live under the hills and not above the hills. Sir, after that a movement was set on foot by Rai Sahib Panchanan Barma to write Khatriya in brackets after Rajbanshi, but that was not approved—under whose influence we do not know. Now, Sir, every community claims that they should be written as Khatriyas. Jhallos say they must be written as Khatriyas; Mallos say they must be written as Khatriyas; Poundras say they must be written as Khatriyas, and Bagdis also say that they must be written as Khatriyas and we also tried to write our name as Khatriyas. But what is the condition? We sent deputation after deputation to Government for writing our name in the schedule of Khatriyas and even, Sir, in some cases the communities wanted that their real names should be put first and Khatriyas should be written inside brackets. But that was not accepted—why, we do not know.

If Government is really willing to help the Scheduled Castes people, if Government is at all anxious to remove their difficulties, they must give the Scheduled Castes people proper dignity. There are many people among the Scheduled Castes who are real Khatriyas having power, energy and strength and who are always prepared to fight for their country to preserve its independence in dire times, and they are still eager not only to protect their own country but to render all possible help in the present difficulties of the British Government. But that was not allowed. We sent a deputation from the Khatriya Samiti of Rangpur but that was refused. I am informed, Sir, that Government has notified that after the word Rajbansi, "Kshatriya" within brackets, should not be written. In 1921 Government allowed us to call ourselves Khatriyas, but the present Government, Mr. Fazlul Huq's Government which is reigning supreme in the province, has denied us even this elementary right in 1941. Whenever we approach Mr Fazlul Huq he assures us that the dignity, right and everything relating to the Scheduled Castes are within his mind always and that he will do everything in his power to improve our condition from the present state of degradation. But may I ask, is this the way in which our right is being preserved by Government? Is this the effort of Government to raise our condition? Simply changing the name of our community will not do. If all the Hindus unite and want to be classified as Hindus only, we have no objection. Indeed we want all the Hindus and Muhammadans to be united at some future date and try to raise the present pitiable condition of our country. (Cries of "Hear, hear.")

Sir Bijoy is in charge of this Bill. I ask him what he has done for the down-trodden people. What objection has he to the Scheduled Castes people being called Khatriyas. Let them rise in the estimation of the public. Unless they do so, how can they protect the interests of the country and do service for the good of the country and Hindus in general? Unfortunately, however, I find that in every way our efforts are proving futile; we are always ignored, and absolutely nothing is being done for us. Lakhs of rupees are being spent on various matters, but when it is a question of spending money for our uplift there is no money available. In this way Rs. 5 lakhs has been spent for nothing.

Mr. SPEAKER Mr. Singha, please try to be relevant. (Laughter.)

Babu KSHETRA NATH SINGHA: Very well, Sir. In the matter of census also, great injustice is being done to us. In the villages enumerators and supervisors are being taken from the caste Hindus but none from the Scheduled Castes, although there is no scarcity of that in our community. We do not claim, of course, that all the supervisors and higher officers of the census organisation should be appointed from the Scheduled Castes but even our claim for enumerators is ignored. You are going to tax the people of this province and on what condition? The condition is that the people are not getting their proper dignity of living in the society.

I do not want to say anything more, Sir. I thank you for giving me an opportunity to speak. We Scheduled Castes are always ignored because of our backwardness. We really want your help and sympathy and I hope that you will continue to be accommodating to us.

Mr. SPEAKER: I will be very glad to give you opportunities provided you make relevant speeches.

The motion of the Hon'ble Sir Bijoy Prasad Singh Roy that the Bengal Local Authorities Census Expenses Contribution Bill, 1940, as settled in the Assembly, be passed was then put and a division taken with the following result:—

AYES—95.

Abdul Aziz Maulana Md.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Kader, Mr. (alias Lal Meah).
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Miridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafuli, Mr. M.

Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Brasher, Mr. F. G.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur, K. of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Miles, Mr. C. W.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Mozammel Huq, Maulvi Md.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nasarullah, Nawabzada K.
Patton, Mr. W. G.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Mudhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Sinclair, Mr. J. F.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Wordsworth, Mr. W. C.
Yusuf Ali Chowdhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—56.

Abdul Jabbar Palwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Premhari.
Basu, Mr. Santosh Kumar.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Mr. Surendra Nath.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Srijut Harendra Nath.
Datta, Mr. Dhirendra Nath.
Deloi, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Nihareudu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mullick, Srijut Ashutosh.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kisheri Pati.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Singha, Babu Kshetra Nath.
Sinha, Srijut Maninindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Wahiur Rahman, Maulvi.
Zaman, Mr. A. M. A.

The Ayes being 95 and the Noes 56 the motion was agreed to.

Dr. NALINAKSHA SANYAL: Sir, let the rest of the business be taken to-morrow.

Mr. SPEAKER: I think the Official Trustees Bill will not take more than five minutes. So let us finish it to-day and then let us fix to-morrow for the rest of the business so that we may sit from 4 to 6 p.m. and finish the whole thing.

The Official Trustees (Bengal Amendment) Bill, 1941.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to introduce the Official Trustees (Bengal Amendment) Bill, 1941.

(Secretary then read out the short title of the Bill.)

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Bill be taken into consideration.

The motion was then put and agreed to.

Clauses 1, 2, 3 and 4.

The question that clauses 1, 2, 3 and 4 stand part of the Bill, was then put and agreed to.

Preamble.

The question that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I beg to move the Official Trustees (Bengal Amendment) Bill, 1941, as settled in the Assembly, be passed.

The motion was then put and agreed to.

Short Notice Question.

Mr. SPEAKER: There is just one short notice question, the answer to which may be taken as read. I shall get it circulated to-morrow. So far as supplementaries are concerned, they will stand over.

Mr. SANTOSH KUMAR BASU: If supplementary questions are not asked at the time the answers are read, they will become stale and will have no meaning or purpose. It is not likely I think that the

Hon'ble Sir Nazimuddin will return to-morrow. Under these circumstances, I think that it would be better if these questions stand over till the next session.

Mr. SPEAKER: I don't mind.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If honourable members put certain supplementary questions, I will attempt to answer them. Government have no objection to replying to these questions. I am ready to reply.

Rai HARENDRA NATH CHAUDHURI: Even supplementary questions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Mr. SANTOSH KUMAR BASU: May I have a copy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Shall I read the question as well as the answer?

Mr. SPEAKER: Yes, please.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The question is:—

Hunger-strike by Sj. Subhas Chandra Bose.

*23A. **Mr. SANTOSH KUMAR BASU:** Will the Hon'ble Minister in charge of the Home Department be pleased to state——

(1) Whether Sj. Subhas Chandra Bose has intimated to Government any reasons for resorting to hunger-strike.

(2) If so, when was such intimation given, and what were the reasons.

(3) Was such intimation conveyed by any letter or letters?

(4) If so, was any reply sent to him? If so, when?

(5) Will the Hon'ble Minister be pleased to state if the Government have taken any other steps to ascertain the reasons which have actuated Sj. Subhas Chandra Bose to resort to hunger-strike?

(6) Has Sj. Subhas Chandra Bose complained to Government with regard to all or any of the following matters:—

(*i*) that although he was arrested and detained under Rule 129 of the Defence of India Rules in connection with the Holwell Monument agitation, his detention was extended under Rule 26 after the expiry of the period of two months;

(*ii*) that although the Holwell Monument agitation was called off, the order of detention against Sj. Subhas Chandra Bose was not withdrawn;

(*iii*) that the order of detention has been kept in force although two prosecutions were subsequently launched against him;

(*iv*) that although a judicial order has been passed allowing him to be released on bail, the order of detention has stood in the way of his release on bail;

(*v*) that he has not been allowed to attend the session of the Indian Legislative Assembly, to which he was duly summoned as a member?

(7) Will the Hon'ble Minister be pleased to place on the table a copy of the correspondence that passed between the Government and Sj. Subhas Chandra Bose within the last two months?

(8) Will the Hon'ble Minister be pleased to state what action, if any, did the Government take to avert the hunger-strike on the part of Sj. Subhas Chandra Bose?

(9) Will the Hon'ble Minister be pleased to state what action, if any, the Government propose to take to bring the hunger-strike to a speedy termination?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (1) Yes.

(2) and (3) In letters to the Superintendent of the Presidency Jail, dated the 30th October and 14th November, to the Home Minister, dated the 30th October and 3rd November, and to His Excellency and the Council of Ministers, dated the 26th November. The explicitly stated reason was to procure his release; he also stated that he was protesting against the Defence of India legislation on the ground that it had no ethical or popular sanction, against the application of that legislation by the Bengal Government in a manner showing communal discrimination and against his own arrest, detention and prosecution which he characterised as vindictive, illegal and inequitable.

(4) No.

(5) No.

(6) (*i*) to (*v*) Yes.

(7) I am not prepared to do so at present.

(8) None: because in my opinion there was no ground for his action.

(9) None: the hon'ble member is referred to this Government's declared policy in this respect announced in the communiqué, dated the 5th September, 1939, of which a copy is placed in the library.

Mr. SANTOSH KUMAR BASU: With regard to the answer to questions 2 and 3, will the Hon'ble Minister be pleased to state whether this is an accurate and exhaustive summary of the letters which had been sent by Mr. Subhas Chandra Bose during the last two months or is there anything else in those letters?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The letters in original were forwarded to Government, not the summary.

Mr. SANTOSH KUMAR BASU: Sir, my question is this. With regard to questions (2) and (3) you have stated—"In letters to the Superintendent of the Presidency Jail, dated the 30th October and 14th November, to the Home Minister, dated the 30th October and 3rd November, and to His Excellency and the Council of Ministers, dated the 26th November, the explicitly stated reason was to procure his release; he also stated that he was protesting against the Defence of India legislation on the ground that it had no ethical or popular sanction, against the application of that legislation by the Bengal Government in a manner showing communal discrimination and against his own arrest, detention and prosecution which he characterised as vindictive, illegal and inequitable." Does that represent a correct summary of the contents of his letters?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, I believe so.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state what is it that stands in the way of publishing the correspondence which has been asked for in the question put to-day?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government consider it against the public interest to do so in the present situation.

Mr. SANTOSH KUMAR BASU: Does the Government consider it fair to summarise the contents of these letters from their point of view and withhold the letters as explicitly asked for in the question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a matter of opinion.

Mr. SANTOSH KUMAR BASU: Sir, I am asking whether Government consider it fair or not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do consider it fair. That is why they have given the reply in this form.

Mr. SANTOSH KUMAR BASU: May I ask the Hon'ble Minister as to what prevents the Government from publishing these letters *in toto*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have already stated the reasons; it is in public interest.

Mr. SANTOSH KUMAR BASU: Can the Government give any indication as to when they expect these letters to be published?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: None whatsoever, Sir.

Mr. SANTOSH KUMAR BASU: Do the Government desire to stick to the policy of withholding these letters while giving out their own summary to the Legislative Assembly?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a hypothetical question which I cannot answer.

Pending short-notice questions.

Mr. A. M. A. ZAMAN: Mr. Speaker, আমি একটা short-notice question দিয়েছি সেটার কি হোলো ?

Mr. SPEAKER: There are two other short-notice questions which have been placed before the House. As the session is being continued till to-morrow, these questions will be answered to-morrow.

I take it therefore that we meet from 4 to 6 to-morrow when these two short-notice questions will be answered.

Mr. SIBNATH BANERJEE: Sir, I have also given notice of a short-notice question but I have got no reply to it as yet.

Mr. SPEAKER: I shall try to see that the short-notice questions are answered, but you know I am helpless in the matter.

Adjournment.

It being 7-30—

The House was adjourned till 4 p.m. on Wednesday, the 4th December, 1940, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 4th December, 1940, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 5 Hon'ble Ministers and 204 members.

STARRED QUESTIONS

(to which oral answers were given)

Construction of metalled road from Jessore to Narail and Bongaon.

***24. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the schemes for the construction of metalled road from Jessore to Narail and from Jessore to Bongaon have been adopted by the Government?

(*b*) If so, will the Hon'ble Minister be pleased to state when the work is likely to be taken up?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar): (*a*) There is no proposal to improve the road from Jessore to Narail by Government. A project to modernize the road from Jessore to Bongaon has been sanctioned and a start is being made on the first 13 miles from Jessore.

(*b*) The work has already been taken up.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that during the rains there is no road practically speaking from the headquarter station of Jessore to the subdivisional town of Narail?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: I am aware of the miserable condition of the communication of that part as well as of other interior parts of Bengal.

Mr. ATUL KRISHNA GHOSE: In view of the reply given by the Hon'ble Minister, will Government consider the desirability of adopting a plan so that a road may be started without any further delay?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: We are following a definite plan in our road construction. It is unfortunately not possible to take up any new road scheme at the present moment, because the schemes which we have taken in hand will absorb all the money for some time to come. As regards the road in question, it has been classified as District Main by the Special Officer, and so it will have to wait its turn before the other roads of the district which are of provincial importance are taken up.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please enlighten us whether they will entertain the proposal of any company if they want to undertake to prepare that road on some conditions favourable to them, since Government is not in a position to undertake it?

Mr. SPEAKER: It is problematic and secondly the conditions are not given here.

Mr. ATUL KRISHNA GHOSE: Mr. Speaker, there are definite conditions given and perhaps the Hon'ble Minister is aware of the fact.

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, this is a matter which it will be for the District Board to consider in the first instance.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether Government have considered the desirability of providing all districts of this province with necessary unmetalled roads before favouring one district with a metalled road?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: Sir, Government have nothing to do with unmetalled roads.

Hunger-strike by certain prisoners in Presidency Jail detained under the Defence of India Rules.

***24A. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that prisoners under the Defence of India Rules at present in the Presidency Jail have taken resort to hunger-strike?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the reason thereof; and

(*ii*) the number of such hunger-strikers?

Mr. Khwaja SHAHABUDDIN (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) I refer the honourable member to my statement during the course of the debate on the 28th November, 1940.

Mr. SYED JALALUDDIN HASHEMY: Sir, with regard to my question, the Minister is not here.

Mr. SPEAKER: Mr. Shahabuddin will reply. He is the Parliamentary Secretary.

Mr. SYED JALALUDDIN HASHEMY: Should I address him as Minister?

Mr. SPEAKER: That is a matter of your choice or option. You may address as Government

Mr. SYED JALALUDDIN HASHEMY: Will the Government please state the number of prisoners on hunger-strike in the Presidency Jail, in the Alipore Central Jail and in the Dum Dum Jail?

Mr. SPEAKER: Alipore Central Jail and Dum Dum Jail are not here. You cannot ask that question.

Mr. SYED JALALUDDIN HASHEMY: Will the Government please state the number of prisoners on hunger-strike in Alipore Central Jail and Presidency Jail?

Mr. SPEAKER: Here in the question it is only the Presidency Jail.

Mr, SYED JALALUDDIN HASHEMY: I am adding only one. If you permit me, he will answer.

Mr. SPEAKER: Just leave it at that. If Government make any further statement, I will ask you.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*), that is to say, about the number of such hunger-strikers, will Government be pleased to enlighten us if the statement of the 28th November still holds good?

Mr. SPEAKER: I think I can be helpful to you in this matter. You can ask Mr. Shahabuddin if he has anything further to say besides this statement.

Dr. NALINAKSHA SANYAL: All right, Sir. Has the Parliamentary Secretary got anything further to say besides the statement of the 28th November?

Mr. Khwaja SHAHABUDDIN: I have nothing further to add, and if there is any further information it will be published in a Government communiqué.

Dr. NALINAKSHA SANYAL: Will Government be pleased to state whether, at the present time when the answer to the question is being given, the statement referred to dated the 28th November stands true with reference to the number of hunger-strikers? My honourable friend says that he has nothing further to add. Either he does not know or he is deliberately suppressing facts.

Mr. Khwaja SHAHABUDDIN: What I have said I still stick to it. But if Dr. Sanyal wants to have any further information, I must have notice.

Dr. NALINAKSHA SANYAL: Sir, I want your attention to be drawn to this fact that we have definite information that the number of hunger-strikers has gone up. On the 28th November we were told that there were only 16 persons who had gone on hunger-strike; to-day the number is much higher than that. May I know the exact figure?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: If the honourable member is in possession of the information already, then what is the good in asking that?

Dr. NALINAKSHA SANYAL: But I want to be sure about it.

Mr. Khawja SHAHABUDDIN: The exact number is not available just now. For that I want notice.

Rai HARENDRA NATH CHAUDHURI: It is not a question of being available just now. The answer is dated 3rd December.

Mr. SPEAKER: No, it was received by us on the 2nd December.

Rai HARENDRA NATH CHAUDHURI: All right, Sir. But he ought to tell us whether the answer of the 2nd December is true or not.

Mr. SPEAKER: This answer is correct at least on the date of the answer.

Dr. NALINAKSHA SANYAL: If the answer is to be treated as correct on the date when it was printed in your office——

Mr. SPEAKER: No, on the 2nd December.

Dr. NALINAKSHA SANYAL: Even then we ought to get the latest information. If the Parliamentary Secretary who is acting in place of the Hon'ble Minister does not know facts, he ought to be bold enough to say: "I am not prepared to answer." As far as he is concerned, I think discretion would have been the better part of valour. (Laughter.)

Mr. NISHITHA NATH KUNDU: Will Government be pleased to state if the number of hunger-strikers has gone up?

Mr. Khwaja SHAHABUDDIN: As I have said already, I have nothing further to add. I would refer the honourable member to answer (*b*) where the answer to this question has been specifically given If there is any further information, it will be communicated through a communiqué.

Mr. SYED JALALUDDIN HASHEMY: After the statement made by the Hon'ble Minister on the 28th of November, several communiqués have been published in the press in which numbers and names are given. To-day is the 4th of December and are we not entitled to know from the Government even to-day the details asked for in the question?

Mr. SPEAKER: If the Hon'ble Minister were here he could have said that.

Dr. NALINAKSHA SANYAL: In that case Mr. Shahabuddin should not have answered the question. Fools rush in where angels fear to tread.

Mr. Khwaja SHAHABUDDIN: Any information wanted in this connection will be issued to the public through Government communiqués, and I ask my honourable friends only to have some patience.

Dr. NALINAKSHA SANYAL: With reference to (*b*)(*i*), will the Government be pleased to state if they have, subsequent to 28th of November, been in a position to ascertain more definitely the specific reasons that should have led to the present hunger-strike?

Mr. Khwaja SHAHABUDDIN: No further information has come to Government.

Dr. NALINAKSHA SANYAL: My question is whether Government, after 28th November up till to-day, has been in a position to ascertain further definitely the reasons referred to in the question.

Mr. SPEAKER: He has already said "nothing further has yet come".

Dr NALINAKSHA SANYAL: Whether Government have taken trouble?

Mr. Khwaja SHAHABUDDIN: No, Sir.

Hunger-strike by persons detained in Presidency and Alipore Central Jails under Defence of India Rules.

***24B. Mr. SURENDRA NATH BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that some prisoners convicted for political offences or detained under the Defence of India Rules and now lodged in the Presidency and Alipore Central Jails have intimated to Government that unless certain grievances of theirs are removed by a certain date, they would go on hunger-strike?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are those grievances;

(*ii*) whether those grievances have been considered or removed; and

(*iii*) whether those prisoners or some of them have gone on hunger-strike?

(*c*) If the answer to (*b*)(*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) what are their names;

(*ii*) when they have gone on hunger-strike; and

(*iii*) what is the present condition of health of each of the hunger-strikers?

Mr. Khwaja SHAHABUDDIN (on behalf of the Hon'ble Khwaja Sir Nazimuddin): I refer the honourable member to my speech in the course of the debate in the House on the 28th November and the communiqués being issued in the Press.

Mr. SPEAKER: In view of the absence of Sir Nazimuddin at a time when the Assembly is sitting and the honourable members' inability to get supplementary information regarding hunger-strike, I would like to say that as soon as a press communiqué is issued and a copy sent to us, we will try to send it to all the members of this House. I undertake this much that if any important communiqué is issued containing information of which the public are anxious to know, we in our department will be quite prepared to help Government in sending it to the members as soon as practicable.

Mr. SANTOSH KUMAR BASU: To one point I want to draw the attention of the Parliamentary Secretary. He has asked the Opposition to have patience. Is it really a matter, may I ask, in which we can have patience? It is a life and death question and does he really ask us to have patience until these people succumb to hunger-strike?

Mr. SURENDRA NATH BISWAS: I want to draw the attention of the Parliamentary Secretary to one point. I have wanted to know about the grievances of the hunger-strikers of the Alipore Central Jail in my question. These grievances have not been published in the communiqué. Only the grievances of the hunger-strikers of the Presidency Jail were dealt with in the speech of the Hon'ble Minister and I want to know whether Government have considered each and every grievance of the hunger-strikers.

Mr. SPEAKER: I will send a copy of your question, I mean this question, to the Hon'ble Sir Nazimuddin.

Dr. NALINAKSHA SANYAL: Sir, the reply is given already. It is a very specific one.

Mr. SURENDRA NATH BISWAS: I also want to know whether Government have considered each and every grievance of the hunger-strikers of the Alipore Central Jail.

Mr. SPEAKER: The best thing I can suggest (of course this should not be treated as a precedent) is that if Mr. Basu on behalf of the Congress Party will kindly give me a note of the points on which they want information by way of supplementaries, I will send it to the Home Department.

Dr. NALINAKSHA SANYAL: That would be very much better than allowing somebody who does not know anything to reply to supplementaries.

Mr. CHARU CHANDRA ROY: At this stage, Sir, may I ask the Parliamentary Secretary to inform this House whether Government are ready to issue a press communiqué about the condition of health of hunger-strikers?

Mr. Khwaja SHAHABUDDIN: Sir, Government are not contemplating of issuing daily communiqué at present.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Female waiting room at Nalpur station on Bengal-Nagpur Railway.

32. Khan Sahib S. ABDUR RAUF: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there is no female waiting room at the Nalpur station on the Bengal-Nagpur Railway; and

(*ii*) that representations by the local people to the Railway authorities have produced no effect?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of drawing the attention of the Bengal-Nagpur Railway authorities into the matter?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Yes.

(*ii*) I am informed by the Railway Administration that the very limited number of female passengers at the station did not justify the provision of a separate waiting room.

(*b*) The Railway Administration are looking into the matter again.

Reconstruction of Burdwan-Arambagh Road.

33. Mr. TARAK NATH MUKERJEA: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) what progress has, up to date, been made in the work of reconstruction of the Burdwan-Arambagh Road;

(*b*) what is the total estimate for this project;

(*c*) what amount has actually been spent for it;

(*d*) the distance from Burdwan that has been metalled; and

(*e*) when the work is likely to be completed?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar: (*a*) Progress regarding the bridging of the Damodar river and the construction of the road in the spill area has been held up pending a decision whether the road bridge is to be combined with the Hooghly-Howrah flushing scheme barrage.

The road on the Arambagh side has been completed from the 4⅜th to the 10th mile and from the 10th to the 22nd mile the work is in progress and it is expected that metalling will be completed this financial year.

(*b*) The estimate of the road portion which has been completed or is in hand is Rs.13,71,012.

(*c*) The expenditure to date is Rs.9,83,181.

(*d*) The information is given in the second portion of the reply to (*a*) above.

(*e*) The portion of the road now under construction is likely to be completed in 1942-43.

GOVERNMENT BILL.

The Bengal Co-operative Societies Bill, 1940, as passed by the Assembly and as passed with amendments by the Council.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that the amendments made by the Bengal Legislative Council to the Bengal Co-operative Societies Bill, 1940, be taken into consideration.

The motion was then put and agreed to.

Mr. SPEAKER: We will now take up clause 11. Mr. Banerji, will you move your amendment?

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Was it necessary to have the consideration motion voted upon on a matter like this?

Mr. SPEAKER: Under the rules the amendments can be taken only after the motion that the amendments be taken into consideration has been carried. That is the difficulty.

Clause 11.

Mr. SATYAPRIYA BANERJI: Sir, I beg to move——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. How can Mr. Banerji come in unless the Hon'ble Minister in charge moves clause by clause. We have got clause 4 onwards. When we come to clause 11, then alone——

Mr. SPEAKER: There is no amendment on them.

Dr. NALINAKSHA SANYAL: But that does not mean that they are accepted.

Mr. SPEAKER: I will put them before the House.

Dr. NALINAKSHA SANYAL: It is not a question of putting, Sir. This is a very important matter. The Upper House has thought fit to make some changes, but it need not be presumed that they will be accepted. Amendments are only proposed in cases where we have any alternative suggestions to make. Where we do not agree, we simply oppose the whole thing.

Mr. SPEAKER: Amendments will be taken into consideration, but that does not mean that the amendments are to be accepted. I am putting the amendments. Under the rules it is the Speaker's discretion as to how the amendments shall be put. Rule 71(*1*) of our Assembly Procedure Rules says that if a motion that the amendments be taken into consideration is carried, the Speaker shall put the amendments to the Assembly in such manner as he thinks most convenient for their consideration.

Dr. NALINAKSHA SANYAL: The Hon'ble Speaker is free to do that. I do not contend that position. But I do not understand why these amendments have been called for and how this idea of clause 4 or clause 8 being changed has come. I think, Mr. Speaker has not accepted clause 4 of the Bill.

Mr. SPEAKER: No. So far as clause 4 is concerned, it is an addition.

Dr. NALINAKSHA SANYAL: I do not mean any particular clause. There must be some procedure followed.

Mr. SPEAKER: Where there is an amendment we discuss that, and later on I ask if he has got anything further to say and then I put the amendments one after another.

Dr. NALINAKSHA SANYAL: We cannot possibly speak on all clauses together and there are different reasons for opposing various clauses.

Mr. SPEAKER: I will put clause by clause.

Dr. NALINAKSHA SANYAL: But we may not have an opportunity of expressing ourselves.

Mr. SPEAKER: If you like this House to discuss any clause, I will give you an opportunity.

Mr. SATYAPRIYA BANERJI: Sir, I beg to move that in clause 11(*1*) in line 3 after the word "common" the word "economic" be inserted.

Sir, when I received notice of amendments a few days back, I found to my agreeable surprise that in respect of this amendment, I was in good company. But as ill-luck would have it, on enquiry I gather that at long last my associates have thought "discretion to be the better part of valour" and forsaken me and have joined the chorus of approval leaving me alone to strike this note of discord which I impelled by a sense of duty towards the co-operative movement gladly do.

Mr. SPEAKER: Dr. Sanyal, may I know on which particular clause you want to speak?

Dr. NALINAKSHA SANYAL: I shall let you know.

Mr. SPEAKER: Do you want to speak on each clause?

Dr. NALINAKSHA SANYAL: I shall let you know as we proceed.

Mr. SPEAKER: Is there any particular clause on which you want to speak?

Dr. NALINAKSHA SANYAL: There are some very vital clauses where I feel the privilege of this House and the fundamental principles of this Bill have been changed.

Mr. SPEAKER: Then, you want to speak generally.

Dr. NALINAKSHA SANYAL: How can I? There is one clause relating to the powers of the Registrar, there is another relating to reserves, and so on. I am prepared to take five hours if you like if that helps you.

Mr. SPEAKER: There is no question of your taking 5 hours.

Dr. NALINAKSHA SANYAL: I am prepared to argue.

Mr. SPEAKER: You can certainly do on everything.

Dr. NALINAKSHA SANYAL: I do not want to be obstructive. If you can take and dispose of them one by one I have no objection.

Mr. SATYAPRIYA BANERJI: As I said, all the other members joined the chorus of approval leaving me to strike a note of discord which I gladly do because I feel and I am supported in this by expert co-operative opinion all the world over that the word "economic" is basic and most fundamental in all co-operative matters. Sir, during the third reading of the Bill in this House, the Leader of the Opposition, Shri Sarat Chandra Bose, characterised the Bill as an attempt at officialisation of the co-operative movement. The manner in which the Bill has been transformed by the Upper House constrains me to go a step further and characterise it as a complete negation of co-operation. But I am not surprised at it, because the Ministers of Bengal, it appears, are vying with one another in their respective spheres in attempting at negation of the promises and principles that ought to have guided them in their activities concerning the welfare of the people of this province. Did not the Hon'ble the Chief Minister the other day desperately make an atempt at negation of the promise of "dal bhat" to the people of Bengal? Did not the Hon'ble the Finance Minister, again, make an attempt, ingenious but desperate and futile, at negation of the fundamental principles of taxation and public finance, while introducing the Bengal Finance Sales Tax Bill, in trying to shift the incidence of taxation on the poor consumers instead of on the shoulders of those who are substantial enough to bear its burden? And to-night I find the Hon'ble Minister in charge of co-operation sedulously engaged in attempting at negation of co-operation.

Sir, before coming to deal with the point as to how the deletion of the word "economic" constitutes a negation of co-operation, let me refer to the various changes and suggestions made from time to time regarding the word "economic" in the present Bill. You are all aware, I am sure, that the present Bill had been conceived by the Government under the Montagu-Chelmsford Reforms during the fag-end of their tenure of office in 1936 and it was delivered—it might be post-mature—by the Hon'ble Minister in charge on the 3rd of August, 1938, on the floor of this House in an almost unmutilated form and was taken charge of by a Select Committee where it lay in confinement for about a year and half. In the draft Bill as conceived in 1936, Sir, we find the words "economic or other common interests", in the Bill, as

introduced, we find only the words "common interest", and after a good deal of discussion in the Select Committee in which the Hon'ble Minister aided by his trusted lieutenant, the present Registrar, took part, the unanimous decision that the word "economic" is fundamental and its deletion constitutes the negation of co-operation was arrived at. Not a word was heard, nor a voice was raised against this basic and fundamental word "economic" during the discussion of the Bill in July last. But curiously enough the Hon'ble the Minister in charge, while the Bill was under discussion in the Upper House, conveniently forgot all that happened in the Select Committee, took no account of the attitude of this House and accepted this dangerous amendment for reasons which are best known to him and thereby stabbed us on the back and sounded a death knell to the co-operative movement. We hope he will give an answer to that.

It has been said that the presence of the word "economic" restricts the scope of the Bill. Education societies, irrigation, health, house-building and other such classes of societies will be excluded if the word "economic" is there. May I ask the Hon'ble the Minister in charge to look up the opinion of an eminent ex-Registrar of Bengal, Rai Bahadur S. K. Ganguly, the predecessor in office of the present worthless and inefficient one? He says, "In sub-clause (*1*) of clause 11, for the word 'common' in line 3 the word 'economic' may be substituted. The latter word occurs in the Co-operative Societies Act, 1912, the Bombay, Burma and Madras Acts, while the Bihar and Orissa Act is the only Indian Provincial Act which has adopted the word 'common'. It can hardly be argued consistently that the change made in the Bihar and Orissa Act or now proposed in the Bill will facilitate the formation and registration of societies which do not aim directly at the promotion of the economic interests of the members such as health, arbitration, better living, housing and other classes of societies. As a matter of fact it has been possible to form and register such societies under the Co-operative Societies Act, 1912, and most societies of these classes have been flourishing and doing good work in provinces other than Bihar and Orissa. On the other hand, as Calvert points out, it is the word 'economic' which stands in the way of the registration of an Indian Station Club under the Act as otherwise it is a co-operative society whose object is the provision of recreation, games, reading, etc., for its members and which is strictly co-operative in its constitution and rules."

Dr. NALINAKSHA SANYAL: Why not drinking clubs?

Mr. SATYAPRIYA BANERJI: And my friend suggests, drinking clubs also.

Sir, it has been said again that the Preamble which contains the words "promotion of thrift, self-help and mutual aid", will come to

our rescue and will be a safeguard against the probable inclusion of undesirable organisations; but I am sorry that as a lawyer, as the Hon'ble the Minister is, it may be of no repute, but a lawyer all the same, he ought to have known the place of a Preamble in an Act. Let me remind him or refresh his memory,—and I am sure, he knows it—what Earl of Halsbury, the most eminent jurist of England says with regard to the Preamble of an Act. Earl of Halsbury in Powell *versus* Kempton Park Race Course (1899) said, "Two propositions are quite clear, one that a preamble may afford useful light as to what a statute intends to reach and the other that if an enactment is itself clear and unambiguous, no preamble can qualify or cut down an enactment". In this case, Sir, the absence of the word "economic" makes the position absolutely clear and keeps no room for any ambiguity and admits of only one and one interpretation. Justice Harlan of the United States of America, in Coosaw Mining Co. *versus* South Carolina (1891) said, "While express provisions in the body of an Act cannot be controlled or restrained by the title or the Preamble, the latter may be referred to, when ascertaining the meaning of a statute which is susceptible of different constructions." Any comment is superfluous. I am sure the Hon'ble the Minister in charge will admit that he was not right and that he bluffed the Upper House when he accepted the explanation given there and that with alacrity and enthusiasm.

Now, Sir, let me draw the attention of the House to the fact that the deletion of the word "economic" will take away the last vestige of co-operation still left in the Bill. After a careful study of co-operative literature both here and abroad of which, I am afraid, both the Minister and the present Registrar are perfectly innocent, the conclusion becomes irresistible that the word "economic" is essential if the co-operative character of the Bill is to be retained.

Let me, Sir, place before the House one by one the opinion of experts both of India and abroad, so that we may come to a proper decision in such a vital matter, in a chronological order. The Royal Commission on Agriculture in 1928 was emphatically of opinion that on a sound foundation of Better Business a proper superstructure of Better Farming and Better Living should be constructed. Margaret Digby in the classic book "Digest of Co-operative Law at Home and Abroad" published in 1933 described the co-operative society as follows: "A co-operative society may be described in general terms as an association with economic aims"—mark the the word 'economic'—"formed by and freely open to persons having needs in common who have an equal voice in its management, make approximately equal contributions to its capital and business and derive proportional services and benefits."

Then, Sir, let me come to Calvert, whose opinion I think cannot certainly be questioned by Indian Officials. He said in the latest edition of his "Law and Principles of Co-operation" published in 1933:

"It is one or other of the economic interests of the members that must form the object of a society," and later on he goes on to proceed, "When, however, the question is one of defining the objects of a society, it is advisable to exclude political and religious ends which may lead to misuse"—and I apprehend that the Minister in charge is very anxious to prostitute co-operation for these purposes and is therefore so keen on deletion of the word "economic"—"and to concentrate on one or more of the many factors that lead to increase of wealth or on the removal of one or more of the many defects that lead to poverty. The object of a society should be to give effect to the teachings of economics."

(At this stage the member reached his time-limit.)

Sir, it is a very important matter and I should want some more time.

Mr. SPEAKER: You have dealt with the same subject on the last occasion.

Mr. SATYAPRIYA BANERJI: But, Sir, this aspect of the Bill was never raised on the floor of the House. The word "economic" is very important in defining the word "co-operative" and I am going to show that this is the case all over the world and my friend the Hon'ble Mr. Mullick is going contrary to all accepted principles and striking at the very root of co-operation.

Mr. SPEAKER: As a matter of fact, from the list of amendments given notice of I find there are many defects. But I want to finish it to-day and there are other important amendments. Will you finish your speech in five minutes?

Mr. SATYAPRIYA BANERJI: I am sorry, Sir, I won't be able to finish in five minutes. It will take 15 minutes.

Mr. SPEAKER: I am sorry, I cannot give you so much time. The difficulty is that there was an understanding in the House yesterday that I will finish the Bill by 6 p.m.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, this is the main speech on this clause of the Opposition and I think it will only be fair to give Mr. Banerji a few more minutes.

Mr. SATYAPRIYA BANERJI: Let me also quote what "co-operation" in the United States means. In a report on Co-operation in the United States published by the United States Department of Labour in 1938, we find as follows: "The immediate objective is economic" and through it "its final aim is to supply every need of life, social and economic without profit and by united effort." In other words, through the economic man, co-operative action transforms the whole human being, his personality, character, attitude to the community and attitude to life. Let me now come to what Strickland says in the latest edition of his book "Co-operation in India" published in 1938. "Every group of individuals, associated to secure a common end by joint effort, may be said to co-operate; for instance, a football team, a gang of robbers, or the shareholders of a speculative company. A century of history has given to Co-operation with a capital C a more precise meaning. It indicates the association of individuals to secure a common economic end by honest means." Even the present Registrar has in his scheme of rehabilitation admitted "Co-operation is a highly technical economic system." Sir, I will finish this part of my speech by quoting the latest view on Co-operation from a survey prepared by the Co-operation Service of the International Labour office in 1939. There they define as follows: "A co-operative society is an association of the economically weak who, voluntarily associating on the basis of equal rights and equal responsibility, transfer to an undertaking one or several of their economic functions corresponding to one or several of the economic needs which are common to them all but which each of them is unable fully to satisfy by his own individual efforts, and manage and use such undertaking in mutual collaboration to their common material and moral advantage." I have given the members of the House some idea as to what a co-operative society means all the world over so that they may come to a proper decision in the matter.

In this connection, I may also refer to the resolutions arrived at by the Registrars' Conference in 1936 and 1939. In the Conference of 1939 in which the Hon'ble Minister in charge and the present Registrar were also present the following resolution was moved by the present Registrar and substantially passed: "This conference recommends that the improvement of health conditions in villages may form part of the normal activities of co-operative societies and in areas where medical facilities are not easily available, special health co-operative societies be organised." Nowhere in his speech was there any mention that the deletion of the word "economic" was essential for the purpose of carrying on such activities. Such was also the case in the Registrars' Conference of 1936. There in the following resolution it was said: "The Conference considers that the movement should be used to the fullest possible extent compatible with its principles for

extending the rural reconstruction movement, etc." Nowhere was it said that the deletion of the word "economic" was essential for such a purpose.

Lastly, I come to the famous Report of the Madras Committee on Co-operation published only the other day. After a careful and good deal of thought and consideration—they have devoted an entire chapter to rural reconstruction—they have ultimately come to the conclusion as the amendments recommended by the Committee to the existing Act will clearly show that the word "economic" should be there and should not be deleted. (Dr. NALINAKSHA SANYAL: Hear, hear.)

Finally, let me refer to some of the abuses which have crept in the co-operative movement in spite of the word "economic" being there, and I have no doubt that a flood-gate of abuses will be opened, if the word "economic" is not there. It is a matter of surprise that the present Registrar has registered a society and has given Rs. 200 in September, 1939, to that society, namely, Bengal Co-operative Gymnasium and Athletic Club. I do no more say anything ill of the present Registrar, because I gather that his days, in spite of frantic efforts made on his behalf by some of his henchmen who have some vested interests in the movement, are numbered, and I do not like to flog a dying horse. If however the unexpected happens, as it sometimes does, and by clever manoeuvring on his part he gets a further extension, there will be a further chance to flog him, which he certainly deserves, and this time flogging him to death.

Then, Sir, before I conclude, let me point out what other provinces have done so far as legislation on this subject is concerned. In the All-India Act, 1912, the word "economic" is there. In the Bombay Act, 1925, the word "economic" is there. In the Madras Act, 1932, the word "economic" is there. Only in the Bihar and Orissa Act of 1935, which also is going to be revised, the word "economic" has been deleted, and the result has not been encouraging. The Madras Committee on Co-operation have thought fit to retain the word "economic" after a good deal of deliberation although they have suggested important amendments on many other important points. Sir, I think I have put my case before the House as briefly as I could and shown that there is absolute consensus of opinion in favour of my amendment and I hope the Hon'ble Minister in charge will see his way to accept it which, after all, forms the basis and constitutes the fundamental principle of co-operation. If he says that he is not in a position to do so at this stage, let him at least give us an assurance as he was pleased to give me yesterday in the presence of the Government Whip and our Chief Whip, that he will be glad to bring an amending

Bill as early as possible including an amendment for the retention of the word "economic"; otherwise I will press this matter to division.

With these words I put the motion for the acceptance of the House.

(Applause from the Opposition Benches.)

Mr. ATUL CHANDRA SEN: Mr. Speaker, Sir, I beg to support the motion that seeks to insert the word "economic" in clause 11(*1*) of the Bill under consideration. I do not know why the Upper House thought it necessary to delete this word from the clause in question. According to the universally accepted principle of co-operation, the co-operative movement all over the world is a purely economic movement devised and calculated to promote the common economic interests of a group or groups of people in a country. It is not for nothing that the scope of the movement has thus been clearly defined and limited to this particular sphere of human activity. It ensures a healthy, scientific and quick development of the movement towards the economic uplift of mankind without frittering away its energy in a multiplicity of directions. I do not think that the Co-operative Department of the Government of Bengal has so perfected itself and has so much energy to spare as it can take under its protective wings things and institutions that do not concern it primarily. On the other hand, the Hon'ble Minister in charge will kindly forgive me when I say that the department is yet an imperfect, ill-jointed and stumbling machinery and that it will not move freely if it is loaded beyond its capacity. Its jurisdiction must not be made unwieldy in its own interest.

Sir, there is another reason for which I object to the deletion of the word "economic". By widening the scope of registration beyond "economic" institutions they will be opening yet one more flood-gate of jobbery in governmental activities. There is already enough jobbery in governmental activities, and for Heaven's sake, do not multiply it. It has been our unfortunate experience that whenever there are funds at the disposal of Government—I am not speaking of the 'secret' funds that are secretly spent by the Government for which ends they alone know, I am speaking of those funds only that are openly spent by the Government—those funds are spent more often than not for political ends. I know, Sir, of one district—let it remain unnamed for the present—where the primary consideration in making educational grants to primary schools has been whether the promoters and the staff of the applicant school or schools concerned agree to promote the Muslim League movement in that locality. Will you believe it, Sir, that one Hindu Head Master and Secretary of a school was asked to promote the movement of the Muslim League as a condition precedent to a grant being made to that school? In the same district grants have been made liberally to libraries and clubs for political ends out

of the Rural Development Funds. I do not think that this district is a solitary instance of such governmental jobbery.

However, to pursue my point further, I am afraid, Sir, that with the power vested in the Provincial Government of making financial assistance, as under clause 38 of the Bill under consideration, to a co-operative society which, if the word "economic" is omitted from the clause of the Bill, may be a library, a reading room, a billiard club, a bridge club, a night club, a society for the management of a paper like the weely "Pataka" of which the Hon'ble Minister in charge of the Department is the founder-patron, and what not, with such unrestricted power or scope of spending funds at their disposal, the Government, I am afraid, will go on merrily making financial assistance to such clubs, libraries, institutions, and "Patakas" as will bind themselves to sing "Huq Ministry Zindabad" or "Mullick Saheb ki Joy." It is surely a sorry prospect that must be averted by all means. That in short is the reason, Sir, why I object to the omission of the word "economic" from the clause in question.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it is my painful duty——

Dr. NALINAKSHA SANYAL: Sir, we want to hear Mr. Wordsworth whether the word "economic" should be there. We want to hear the views of the European Group.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is my painful duty to oppose the first amendment moved by my friend to the left. There may be some advantages of having a bicameral legislature, but there are disadvantages also. My hon'ble friend Mr. Satyapriya Banerji in moving his amendment has said a lot of things and perhaps we are grateful to him for the elocution with which he has treated the House. If he had experienced the difficulties I had in getting the other House to agree to the whole Bill, he would not have said all that he did to-day. Sir, I will not enter into a detailed discussion on the point he has raised, but I will content myself by giving a very short reply to the amendment itself. Before I do so, I would only like to tell my friend Mr. Banerji with reference to what he has said about the position of the preamble to the Bill. He has read to us some passages from some authorities, but I hope he will not deny that the preamble is an index as to how the Bill is to be read and understood. (Mr. SATYAPRIYA BANERJI: It is not a part of the Act.) I know, Sir. I need not be reminded that a preamble is not a part of the Act, but I will only tell him that it gives an index as to how the Bill is to be read and understood.

Sir, he has said that by the deletion of the word "economic" the whole policy of co-operation is denied so far as this measure is concerned. In their wisdom the Bengal Legislative Council thought that if the word "economic" was retained it would be difficult for the co-operative movement to function and to register societies like anti-malarial societies, educational societies and health societies. I am not to blame for it. It is only from that point of view that the Bengal Legislative Council thought that the deletion of the word would not injure the Bill at all but would help in its proper functioning so far as the movement in this province is concerned. If my friend were good enough to read the next two lines of this clause 11, I am sure there would not have lingered this amount of misapprehension in his mind even when the Bengal Legislative Council thought the word "economic" should be deleted. Sir, the lines next to the line where the word "economic" occurs in this clause read thus:—"to be in accordance with the co-operative principles or a society established with the object of facilitating the operation of such a society". If we take that with the preamble, it will certainly tell us that it is only with the object of forming societies and working them in accordance with the co-operative principles in order that better conditions of living and better methods of production and business may thereby result, that this Bill is enacted. Sir, if that is the position I submit respectfully there is hardly any reason for entertaining an apprehension as is sought to be done by my friends to my left that the deletion of the word "economic" will do as much harm as they have suggested.

My friend Mr. Atul Chandra Sen has said many things beside the point, but I can assure him that papers like "Pataka" have not received a single *cowrie* from anybody. Therefore, it is no use reading one's own mind and placing the same before the public and imputing motives to others from that point of view.

I submit, Sir, there is no justification whatsoever to accept this amendment. The view taken by the Bengal Legislative Council is perfectly right and, therefore, I oppose this amendment.

Before I sit down, I would like to say one thing. There was a suggestion made to me by my friend Mr. Satyapriya Banerji as to whether I was prepared to bring forward an amending measure to rectify some of the mistakes if they had so occurred in the Bill. What I told him before the Whip of the Congress Party and in the presence of the Government Whip yesterday is this "I am seeking an early opportunity to go through the proceedings of both Houses in connection with the Bill and when the rules are framed I will make it a point to see whether or not there is any matter which should be brought up for decision by the Legislature and if that be the case it will be my

first duty to do so. It will all depend upon the consideration of facts that may appear to me after I have gone through the proceedings."

With these few words, I oppose the amendment.

Dr. NALINAKSHA SANYAL: May I rise on a point of order, Sir? You have allowed the Hon'ble Minister to oppose the amendment. I hope that he has opposed the amendment proposed originally by him under clause 11 which is before the House. So far as Mr. Banerji's amendment is concerned, there was nothing new proposed by Mr. Banerji as an alternative proposal.

Mr. SPEAKER: But the Hon'ble Minister was opposing the amendment of Mr. Banerji.

Dr. NALINAKSHA SANYAL: Mr. Banerji has got no amendment, Sir.

Mr. SPEAKER: Yes, he has an amendment, the first one.

Dr. NALINAKSHA SANYAL: Sir, I would ask you to apply your mind to it. There were changes made in the Bill by the Upper House, and Mr. Banerji wants merely to stick to the Bill as has been passed by this House and refuses to accept the change made by the Upper House. He simply wants to retain the old position, and his point is that no amendment proposed by the Council is to be accepted. There is no alternative suggestion here that he has made. I submit that an amendment made by the Council should be an amendment in the name of the Minister, and that the alternative to the suggestion made by the Council but which is exactly the same that had been passed by this House cannot be considered to be an amendment tabled by the mover.

Mr. SPEAKER: What is Mr. Banerji's motion really then?

Dr. NALINAKSHA SANYAL: Mr. Banerji simply wants that after the word "common" the word "economic" be inserted.

Mr. SPEAKER: But what is it? Is it an amendment or not?

Dr. NALINAKSHA SANYAL: It is not an amendment. It is a negation of the proposal of the Hon'ble Minister.

Rai HARENDRA NATH CHAUDHURI: Sir, Mr. Banerji's motion is only a refusal of the amendment made by the Council. He has not suggested any amendment of his own.

Mr. SPEAKER: Then, do you mean to say that all these motions are out of order?

Dr. NALINAKSHA SANYAL: No, Sir. My motion cannot be out of order, as also those proposing alternatives.

Mr. SPEAKER: The point is that the Bill has now come back in a modified form from the Council, and this House wants to amend it and by that amendment wants to restore the original Bill. Therefore, I think, you cannot take away the point that this is an amendment. The point, Dr. Sanyal, that you have raised is wholly immaterial, and therefore I am putting the motion of Mr. Banerji to the vote of the House.

Dr. NALINAKSHA SANYAL: In that case, the previous motions will have to be put first.

Mr. SPEAKER: Those I have decided to put after all these things are put together. That would be done later on, and for the time being certain motions that have been tabled must be disposed of. Then I shall take up clause 4, clause 8, clause 39, etc.

Dr. NALINAKSHA SANYAL: Sir, that is not the practice we have followed in the past.

Mr. SPEAKER: Yes, that was the case. Please look into the papers.

The motion of Mr. Satyapriya Banerji that in clause 11 (*1*), in line 3, after the word "common" the word "economic" be inserted was then put and a division taken with the following result:—

AYES—54.

Abdul Jabbar Pulwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Chakraborty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Harendra Nath.
Dutta, Mr. Dhirendra Nath.
Datal, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hassan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Mallick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Ramiuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Singha, Babu Kshetra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Zaman, Mr. A. M. A.

NOES—96.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi, Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Gladding, Mr. D.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Sahib Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizudin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi M.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Bahadur Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruff Hossain, the Hon'ble Nawab Khan Bahadur.
Mustaqawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sanaullah, Al-Hadj Maulana Dr.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Sinclair, Mr. J. F.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. J. R.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 54 and the Noes 96, the motion was lost.

The question that the Assembly agrees to the amendments made by the Bengal Legislative Council to clause 11, was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, will you kindly now dispose of the first two clauses also?

Mr. SPEAKER: Yes.

The question that the Assembly agrees to the amendments made by the Bengal Legislative Council to clause 4, was then put and agreed to.

The question that the Assembly agrees to the amendments made by the Bengal Legislative Council to clause 8, was then put and agreed to.

It is rather unfortunate that in spite of this Bill being before Government for so many months, there should have been mistakes as to whether there should be a society or societies. I do not mind substantial changes, but after discussing and considering the Bill for 2 years if they have to make a change as to whether there should be a guardian or a man appointed under the Lunacy Act, then certainly the drafting requires much better consideration.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: With all respect, Sir, I may submit that the Bill, as passed by the Assembly, was perfectly correct. It was the other House which in its wisdom thought that these changes were necessary. I had no other alternative than to place the amendments before the House, and the result was left to them.

Mr. SPEAKER: What about the drafting changes?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That was also done by the Upper House.

Rai HARENDRA NATH CHAUDHURI: Don't take shelter behind that.

Dr. NALINAKSHA SANYAL: It is absurd.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I may say this at once that we do maintain that the Bill, as passed by this House, was perfectly correct.

Dr. NALINAKSHA SANYAL: Then, why don't you stick to it?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In that case the Bill will be held up for another year.

Dr. NALINAKSHA SANYAL: You manipulated it.

Mr. Khwaja SHAHABUDDIN: The other House might have thought the amendments more reasonable.

Dr. NALINAKSHA SANYAL: I shall show from the proceedings of the Upper House that most of these amendments were moved on the responsibility of Government from the Government Party.

Mr. SPEAKER: It is no use saying that. All that I want to say is why should the word "society" be changed to "societies". I am afraid, Mr. Shahabuddin, when you say that the Upper House has changed the word, you are asking us to believe too much.

(At this stage the House was adjourned for 15 minutes.)

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, before I take up my observations on clause 26, may I draw your attention to rule 72——

Mr. SPEAKER: Let me first ascertain whether Mr. Abul Fazl is moving his amendments. Mr. Abul Fazl, are you moving your amendments Nos. 7 and 10?

Mr. MD. ABUL FAZL: Sir, I am not going to move my amendment No. 7, but I will move my amendment No. 10.

Mr. SPEAKER: I may point out that this will be inconsistent with the Act itself, because the Act does not provide any rules and by-laws. It is the power that is given there. This is unnecessary in view of sub-clause (*xiv*) of section 139 (*2*). This section 26 (*1*) is governed by that sub-clause.

Dr. NALINAKSHA SANYAL: Sir, may I draw your attention to our Assembly Procedure Rules only to bring home to the Hon'ble Minister in charge as to what exactly will be the effect if in this House we do not agree to some of the amendments made in the Council. Sir,

the Hon'ble Minister has in an air of innocence suggested that he was helpless because there were certain amendments made in the Council. Rule 72 (*2*) states that if the Assembly disagrees with the amendments made by the Council or any of them, the Bill with a message intimating its disagreement shall be sent to the Council. I can give you a number of instances when we disagreed with or modified or changed some of the amendments made by the Council. Now, in this case if we disagree, modify or change any provision, the Bill will go back to the Council and the Council will have another chance of examining our suggestions, whether we disagree or partially agree or partially do not agree. Thereafter the question will be whether the Council will agree with the position taken by us; and if it does, the Bill will be finally passed immediately the Council gives its approval to our suggestions. Sir, the Council is going to meet from the 9th of this month. If we do not agree to accept the amendments made, this Bill can very easily be taken to the Council. Now, if the Government so desire, if they co-operate with us the Bill can be passed into law very soon. I do not know whether Government are sure of their majority in the Council —if not, they will have to resign——

Mr. SPEAKER: Under the Act, I don't think the Ministers are called upon to resign if they don't have a majority in the Council.

Dr. NALINAKSHA SANYAL: Let us see their position. They don't admit that they have no majority. If the Government agree with the decision taken by the Assembly, surely it should be their duty to have this Bill passed in the Council also.

Mr. SPEAKER: You move your amendment No. 8.

Dr. NALINAKSHA SANYAL: Sir, I beg to move that in the proviso to clause 26 (*1*), in lines 2-3, for the words "two years" the words "six months" be substituted.

This clause relates to the dissolution of a managing committee and the appointment of a person or persons to manage the affairs of a co-operative society. As you might be remembering, Sir, there was a good deal of heat over this question as to whether the Registrar should be given the power to appoint some outsider to manage the affairs of a society when he chooses to dissolve its managing committee under rule 25. Thereafter, as a matter of compromise, it was agreed that the Registrar might be given some power to arrange a new constitution, a new election, and the wording was therefore like this: "If the managing

committee is not dissolved and reconstituted, etc., the Registrar shall thereupon appoint one or more suitable persons on such conditions as may be prescribed to manage the affairs of the co-operative society for such period not exceeding one year and to arrange for the constitution of a new managing committee by such date as the Registrar may determine," so that the intention was definite. Beyond one year the Registrar should not have the power to nominate a person who will manage the affairs of a society and will not give an opportunity to the ordinary shareholders or rather members of the society to elect another fresh managing committee.

Now, Sir, it has been pointed out that there may be occasions when the Registrar for some difficulty or other finds it necessary thereafter, even after the expiry of one year, to give a short extension of time in order to give a final touch to the arrangement for constituting a new managing committee. Therefore a proviso was added:—

> "Provided that the Provincial Government may extend the period of one year for such further period as it may think fit."

But the Council in their wisdom—I admit there was some amount of wisdom in this case—thought that if they did not place some limitation to the time proposed, then the proviso would enable Government to have such wide power as to allow the Registrar to continue to manage the affairs of a society *ad infinitum*, without any limit. With that object in view, they have given the power to extend the period up to two years. I feel that this is much too long a period and under no circumstance should this additional period go beyond six months. Surely, it could never be contemplated that the management of a society should be taken over on the responsibility of the Registrar for an indefinite length of time. As it is now worded, it may mean that for as long a period as three years the Registrar may through his own nominee manage or get managed the affairs of a society without the necessity of constituting a new managing committee. This is far from desirable.

With these words, Sir, I move my amendment, and I only hope that the Hon'ble Minister in charge will at least see his way to accept it, and not in his own wisdom try to explain things away in a manner which is far from facts or which is not at all borne out by sufficient evidence.

Maulvi ABU HOSSAIN SARKAR: Sir, I formally beg to move that in the proviso to clause 26 (*1*), in lines 2 and 3, for the words "two years" the words "eighteen months" be substituted.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, Dr. Sanyal has admitted that the Council has thought fit to put a restriction upon the period of time that may be extended by the Provincial Government under circumstances as mentioned in this case. I should have thought that that was a welcome change and would not have at all required any further change. The clause in the Bill, as it previously stood, gave the Provincial Government power to extend this period to a very long time and therefore the Council thought that they should restrict it to this period. I think the change that the Council has made is proper and should be retained, and suggest that that change be accepted. Sir, I oppose Dr. Sanyal's amendment.

The motion of Dr. Nalinaksha Sanyal that in the proviso to clause 26 (*1*), in lines 2-3, for the words "two years" the words "six months" be substituted, was put and a division taken with the following result:—

AYES—46.

Abdul Jabbar Paiwan, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Premhari.
Basu, Mr. Santosh Kumar.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deivi, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Choudhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Mullick, Srijut Ashutosh.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maninda Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

NOES—94.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidar Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.

Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashraful, Mr. M.
Asiad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Gladding, Mr. D.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hasanuzzaman, Maulvi Md.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Khan Saheb Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahiaboddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Miliar, Mr. G.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Muhammad Ishaque, Maulvi.
Mahommad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed Mr.
Sahebe-Alam, Mr. Syed.
Sarkar, Babu Madhusudan.
Sasseen, Mr. R. M.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brahant.
Steven, Mr. J. W. R.
Tofel Ahmed Choudhury, Maulvi Haji.
Whitehead, Mr R. B.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 46 and the Noes 94, the motion was lost.

The motion of Maulvi Abu Hossain Sarkar that in the proviso to clause 26(*1*), in lines 2 and 3, for the words "two years" the words "eighteen months" be substituted was then put and lost.

The question that the Assembly agrees to the amendment made by the Council in clause 26 was then put and agreed to.

The question that the Assembly agrees to the amendments made by the Council in clauses 39, 42, 44, 53, 54 and 55 was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, I rise to oppose the proposed amendment seeking to replace the word "other" by the word "higher" in clause 56(*2*). This clause relates to the manner in which the reserve fund of a co-operative society——

Mr. SPEAKER: But has not "other" the same meaning as "higher"?

Dr. NALINAKSHA SANYAL: No, Sir, it may mean lower also.

Mr. SPEAKER: It means higher. You ask Mr. Basu. Mr. Basu, if a man says "a minimum of 25 per cent. or such other percentage" what does it mean?

Dr. NALINAKSHA SANYAL: Sir, I shall presently show that that is the interpretation which the Hon'ble Minister himself gave to this House on the last occasion. This sub-clause limits or rather determines the percentage of net profits of a society which should be set apart for reserve fund from time to time. What we in this House decided previously was that ordinarily the reserve fund contribution should not be less than 25 per cent., and thereafter power was given to Government to carry such other proportion as may be prescribed for different co-operative societies. At that stage when this was discussed—it appears on pages 243, 244 and onwards of the Proceedings, dated the 25th July, 1940, of this House—I had said: "I would like to draw your attention to one important matter to which my attention was drawn after I sent in notice of my amendment relating to distribution of profits. My attention was drawn to certain kinds of hardships caused to societies in large mercantile offices in Calcutta where accumulation of reserve funds is going on without any restriction and the members concerned of the present generation cannot take any advantage of the accumulations." I pointed out specifically that in the case of some urban societies the reserve funds have now accumulated to such a high figure that the Registrar's Department has advised such offices to stop receiving deposits. Sir, in reply to that observation, the Hon'ble Minister then said in the following terms: "I hope my friend Dr Sanyal's apprehension will be removed if I remind him of the provision in sub-clause (2) of clause 53"—that is the provision here—"which has been agreed to by this House. Sub-clause (2) provides that at least 25 per cent. of the profit should be carried to the reserve fund and then it goes on to say 'or such other proportion as may be prescribed for any society or class of society.' Taking that along with clause 54 there ought to be no doubt in our minds that the idea is that we should start a reserve fund and after we have got it properly established, the desire is to have such rules for a class of society whereby the accumulated profits may be distributed amongst the members." Now, Sir, that was what the Hon'ble Minister distinctly gave us to understand—an assurance which was given on the floor of this House. A few weeks after that, this change has been effected in the Upper House. Hitherto, when any Hon'ble Minister functioning not in his individual personal capacity in the jurisdiction of his home affairs, but as a responsible member of the Government made any utterance, the House as well as outsiders took it that he meant something sincerely. We had no doubt in our mind at least at that stage that the Hon'ble

Minister realised certain difficulties and he intentionally left the option to Government by retaining the words "other proportion." Thereafter, I cannot understand how he could change his position now and come to us and compel the carrying over to the reserve fund of contributions from net profits of 25 per cent. and higher. It will lead to a great deal of trouble in some cases, and it will simply make it impopssible for the present generation of members to partake of their reasonable profits which are theirs even though there may be very large reserve fund accumulated. I would not like to use harsh words, but the Hon'ble Minister himself had during the previous discussion here stated that he had great respect for the Legislature. He said that "far from having any disrespect I have the highest respect for this Legislature." Either he was talking then through his *hat* which he does not wear or he was trying to bluff the House. He has now been trying even to say that if this Bill is not accepted in the same form in which it has been brought to this House, the Bill will be killed and a joint sitting will have to be arranged. Either the Hon'ble Minister does not know what he says or he says something what he does not mean. This is a situation which is highly deplorable. I submit that there should be some clear enunciation of Government policy, and if the Government policy is as was given indication of on the last occasion, then there can be no room for this change from the "other" to the words "higher proportion." I therefore stick to my old position and urge that the amendment proposed by the Council be not agreed to.

(Mr. Speaker was just going to put the question.)

Dr. NALINAKSHA SANYAL: If the Hon'ble Minister has no reply to give, then we will presume that he is bluffing the House.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do stick to the view that I had when the Bill was before this House. My friend Dr. Sanyal forgets that these are changes which have been made in the Upper House. They definitely said that if there should be a reserve fund it must be a reserve fund worthy of name, and, therefore, they would not allow any society to have a reserve fund of less than 25 per cent.; it may be higher than that. I had pointed out to that House that if any difficulty should arise, what would happen? I was shown that clause 8 gives Government enough power to exempt any society from the application of this clause. It was from that point of view, they said, that a reserve fund worthy of name must be there. I, therefore, submit that the change made by the Council be agreed to.

Dr. NALINAKSHA SANYAL: May I submit that clause 8, as the Hon'ble Minister has pointed out, does not give Government power of that character. It is contemplated there that exemption

may be given to a society or class of societies from the application of any of the provisions of this Act or any rules made thereunder. Surely, it could not be contemplated that Government would exercise such powers for determining the proportion of contribution to a reserve fund or otherwise. If, for example, the whole of clause (2) is not applicable to a particular society, then the reserve fund contribution of that society may not be a single per cent., 1 per cent. even——

Mr. SPEAKER: That was the explanation.

The question that the Assembly agrees to amendments made by the Bengal Legislative Council to clause 56 was then put and a division taken, with the following result:—

AYES—90.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-Al Mahmood, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abdul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Birkmyre, Sir Henry, Bart.
Biswas, Mr. Rasik Lal.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edber, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gupta, Mr. J. N.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Choudhury, Alhadj.
Gladding, Mr. D.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hassanuzzaman, Maulvi Md.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawthorne, Mr. R. J.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jaizuddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Miles, Mr. C. W.
Miller, Mr. C.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Mustafa Ali Dewan, Maulvi.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sarkar, Babu Madhusudan.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Lita Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Tafel Ahmed Choudhury, Maulvi Haji.
Whitehead, Mr. R. B.
Yousuf Mirza.
Yusuf Ali Chowdhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

NOES—40.

Abdul Jabbar Pahwan, Mr. Md.
Abe Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Promhari.
Basu, Mr. Santosh Kumar.
Chakraborty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Mukherjee, Mr. B.
Mullick, Srijut Ashutosh.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan
Zaman, Mr. A. M. A.

The Ayes being 90 and the Noes 40, the motion was agreed to.

The question that the Assembly agree to the amendments made by the Bengal Legislative Council to clause 57 was then put and agreed to.

Clause 58.

Mr. SATYAPRIYA BANERJI: Sir, I beg to move that in clause 58(*a*), in lines 1-2, the words "an amount not exceeding" be omitted.

I don't want to speak in support of this amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I oppose it.

The motion of Mr. Satyapriya Banerji that in clause 58(*a*), in lines 1-2, the words "an amount not exceeding" be omitted was then put and lost.

The question that the Assembly agree to the amendments made by the Bengal Legislative Council to clauses 58, 63, 66, 69, 71, 73 and 74 was then put and agreed to.

The question that new clause 71A, as inserted by the Council, stand part of the Bill was then put and agreed to.

Clause 77.

Dr. NALINAKSHA SANYAL: Sir, I want that new clause 77 (*2*) should be omitted and the old clause 77(*2*) should be restored.

Mr. SPEAKER: You move your amendment No. 23.

Dr. NALINAKSHA SANYAL: I want the two amendments to be put separately.

Mr. SPEAKER: You move amendment No. 23 and I shall put it separately. The other amendment is a negative motion and is covered by the question to be put in clause 77.

Dr. NALINAKSHA SANYAL: Yes, Sir. As an alternative to this, if it is felt that it is impossible for Government to give up the opportunity of manipulating audit reports in their own way, then I would ask them to examine if their purpose would be served by retaining the power of modifying the audit reports in the hands of the Audit Officer and not in the hands of the Registrar. Therefore, Sir, I have an alternative suggestion which also I shall now place before the House.

I beg to move that in clause 77(2), in lines, 2-3, for the words "by the Registrar" the words "by the Audit Officer" be substituted.

Sir, I do not find words strong enough to condemn the attitude of the Hon'ble Minister in charge in seeking to get the agreement of this House to the amendment made by the Council on a matter on which the House after a very long debate and after examining all the aspects of the question definitely gave its opinion on the last occasion. It will be remembered that the power of the Registrar which this Bill seeks to give in various ways at every stage questioned, and amongst the numerous powers one was that the Registrar would have the power to modify even the audit report of a society. Somehow or other, in spite of certain attempts at an explanation of the Government position, the members of the Coalition party for once at least saw through the absurdity of the Government position, and we had in this House a decision by a majority that the Registrar should not be given such power. The Hon'ble Minister in his doggedness or pig-headedness, I do not know what, did not feel satisfied with that, and he thought that an Emperor like him should not bow down his head to the Legislature, however much he might profess to have respect for it; and he went up to the Council and got passed by it what he could not at the first instance get passed by the Assembly. Here is another instance of ministerial *zabardastism*. I ask the members of this House to a man to stand by the prestige of the Assembly and say with one voice that we are not going to be a party to such nefarious acts and measures.

Sir, it has been pointed out to the House several times how the present Registrar has interfered with the functioning of co-operative societies in the province, and we shall all have to hang down our heads in shame if as a result of his clever manipulations, even a man like Mr. Wordsworth who represents one of the biggest newspapers in the East, goes down on his knees and begs the Minister on behalf of the Provincial Bank, which after all is a subordinate concern of the Registrar, that the term of the present Registrar be extended. That shows the degree of mischief that powers left in the hands of the Registrar could lead to. I have also had information that even now, only yesterday and day before yesterday, the Registrar has been going round canvassing some of the members of the Coalition party to support the proposal of an extension of his term. Let not the Chief Whip of the Government party shake his head as a mark of denial. Sir, I would ask a categorical question as to whether some members of his party have not submitted written complaints to the Minister drawing attention to the canvassing going on for an extension of the term of the present Registrar.

Mr. SPEAKER: Order, order. Dr. Sanyal, you are wholly irrelevant.

Dr. NALINAKSHA SANYAL: It is a matter, Sir, which, I submit, is very relevant in this connection, because of the large powers that the Registrar at present possesses as a result of which we find certain members going down on their knees and licking his boots and trying to satisfy him in this way. We have instances of the undignified conduct of the Directors of the Provincial Co-operative Bank. The manner in which these men, estimable in other walks of life, lick the boots of the Registrar is a wonder to all of us.

We do not want to give any more power to the Registrar—far less the power of modifying the audit report. Sir, this denial is most essential because I know it for a fact that the present Registrar has sought recently to modify the audit report of the Co-operative Provincial Bank and he has actually managed through the then auditor to get certain words changed. It is a matter of shame. Probably he might have tried to protect that institution by deleting certain word or words which were found to be in his opinion too strong and ought not to find a place in the audit report. But, Sir, surely the auditor knows his business and he should be given a free hand to acquaint the members of the society the true state of affairs of a bank or a society which he is entrusted with the task of auditing. Sir, we fail to understand what earthly reason can there be for an executive officer, who is the head of a department, to modify the report of an auditor who is merely expected to go into the accounts and reveal the facts of the case for

subsequent examination. If the auditor has stated certain things on inadequate data, even then it will be his audit report, and if the Registrar subsequently finds that he has good reasons to disagree with some of the observations made by the auditor, surely he can write his decisions on a note sheet which may be part of the audit report and may be, if necessary, given publicity too as the report of the Registrar on the auditor's note. This happens on numerous occasions. We have even in ordinary commercial houses audit reports where the auditor makes certain observations as regards certain accounts and when these accounts come before the general meeting, the general meeting come to know of these and if any member of the general meeting desires explanations, the Directors or the management give proper explanation, if any, and the members either get satisfied and accept the report or they throw out the accounts as something that should not be accepted. The same procedure could have been adopted. I do not know why the audit reports and all the connected audit comments of the Provincial Bank and some other Central Banks are not made available even to the members of such bank, even to the members of such central co-operative societies.

Sir, I suspect that there is something very wrong with the entire administration. We demanded that the audit of co-operative societies should be separated from administration and when section 75 by which the appointment of the auditor has been secured was under discussion, we proposed that the Audit Officer should be one independent of the Registrar. We were backed by most, if not all, of the members even of the Select Committee on this Bill in that demand. Government also accepted the position and stated that for all practical purposes they had now arranged an independent audit organisation under the Audit Officer who had been appointed. Government gave us to understand the Audit Officer is, for all practical purposes, an independent person. That was the assurance given to us, and it was then pointed out to us that it was only for certain administrative difficulties which now stand in the way, and the removal of which would lead to large expenses, that Government were not prepared to separate audit from the Registrar at the present moment. I then had pointed out that, as a matter of fact, this was not so, and the Hon'ble Minister assured us that the facts were otherwise. I would like to know from him if it is not a fact that the Audit Officer to-day is a subordinate officer of the Registrar and that the auditors and the inspectors are in many respects subordinate to the Registrar and his direct subordinates, namely, the Deputy Registrars and the Assistant Registrars, and whether or not it is a fact that the auditors and inspectors have to look up to some of these officers for their promotions and prospects. When such is the situation, it would be a dangerous thing to allow the Registrar to modify audit reports.

I am also proposing an alternative in case my first proposal fails. Government probably must retain some powers of modifying audit reports, not because on principle they could object to separation and my first proposal but because they have appointed such trained men as auditors who cannot even write correctly the word "auditor"! I have found that one slip was discovered in Writers' Buildings when an auditor who wanted an interview spelt the word "auditor" as "Aditor" (Laughter.) If such men are selected, then surely audit reports may in some cases require to be modified, but such modifications normally should not be permitted or rather should not be permitted by the Registrar, but if this is at all found necessary, because of untrained men who have been appointed as a matter of patronage, then leave the modifications to be done by the Audit Officer who should certainly be a trained man at any rate. I give two alternative propositions. Either we retain the old position that was taken up by this House after mature and careful deliberation, or, if that is impossible for Government to accept, then let us leave the modification to be done, if at all, by the Audit Officer and not by the Registrar.

With these words, Sir, I submit that the amendment proposed by the Council should not be agreed to.

Maulvi ABU HOSSAIN SARKAR: Sir, on behalf of my party, I wish to say only a few words. We oppose this amendment on principle. We have nothing to say against any officer or the Registrar, because one Registrar may come to-day and another may go tomorrow, but we consider it to be dangerous to place such a provision in the Act that the audit report of a particular society should be modified or altered by the Registrar. So, our party, on principle, are opposed to this amendment.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, if abuse is an argument, then Dr. Sanyal excels everybody. (Laughter.) If misrepresentation is not an offence, then he has certainly enough of that as well. Sir, it is no good going to the old history and I shall not discuss the manner in which and the circumstances under which the amendment that was made by this House came to be changed in the Council.

Sir, it has been said that ignorance is bliss! Dr. Sanyal surpasses anyone in having that bliss in abundance! (Laughter.) He has said and perhaps very seriously said that audit reports are not circulated amongst the members of the society and are never published. That is a circumstance which is known to himself, but I can assure him that, not only are audit reports circulated amongst the members, but they

are printed and published. (Dr. NALINAKSHA SANYAL: Can you produce one?) Yes, certainly. (Dr. NALINAKSHA SANYAL: No, you cannot. You are lying.)

Mr. SPEAKER: Dr. Sanyal, you must withdraw that expression.

Dr. NALINAKSHA SANYAL: I say, Sir, that it is not a fact.

Mr. SPEAKER: You must withdraw it first.

Dr. NALINAKSHA SANYAL: All right, Sir, I withdraw it, but I say that it is not a fact.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: So far as the audit is concerned, it is well known that it is the audit of accounts of a particular society. The question of modification by the Registrar or otherwise only arises when the society or the managing committee thereof take exception to any observation made by the Audit Officer. So far as the particular suggestion of Dr. Sanyal, as is made in No. 23, namely, if any modification is to be done, that would be done by the Audit Officer himself, is concerned, I would like to say that this is an absolutely meaningless proposition The Audit Officer cannot produce his report unless he examines all the details himself. Therefore, there is no point in suggesting that the modification is to be made by the Audit Officer himself after he has submitted his report. The question of modification by the Registrar arises when an exception is taken by the Board of Directors. It may be that the Audit Officer has suggested that a certain portion of outstanding dues should be wiped off, which means a definite loss to the society The Board of Directors must have the right to take exception to that observation made by the Audit Officer. It may also be that through some sort of mistakes the Audit Officer has said that some of the assets are bad or doubtful. The Directors have every right in that case to suggest to the higher authority that the observation made by the Audit Officer is wrong. If the Directors of a society are not entitled to take exception to those observations of the Audit Officer, that will, I submit, not only cause loss to the society, but will make the audit report absolutely a mistaken one. It is from that point of view, we think, that the authority should be given to the Board of Directors to lodge their complaints and the proper authority to deal with those complaints should be the Registrar. I cannot understand the Registrar-phobia in the minds of certain people. If any power has been given to the Registrar and if that power is abused, it is

not without remedy. The Provincial Government have enough power to revise the order of the Registrar. I submit, therefore, that there is hardly any justification for agreeing to the amendment moved by Dr. Sanyal. On the other hand, I submit that the changes made by the Council be agreed to by this House.

The motion of Dr. Nalinaksha Sanyal that in clause 77(2), in lines 2-3, for the words "by the Registrar" the words "by the Audit Officer" be substituted, was then put and lost.

The question that the Assembly agrees to the amendments made by the Bengal Legislative Council to clause 77 was then put and a division taken, with the following result:—

AYES—82.

Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Karim, Mr.
Abdul Majid, Mr. Syed.
Abdulla-al Mahmood, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Ali, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Aulad Hossain Khan, Khan Bahadur Maulvi.
Azhar Ali, Maulvi.
Badruddoja, Mr. Syed.
Barat Ali, Mr. Md.
Biswas, Mr. Rasik Lal.
Brasher, Mr. F. C.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
Farhat Bano Khanam, Begum.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr. (Mymensingh).
Gomes, Mr. S. A.
Gurung, Mr. Damber Singh.
Gladding, Mr. D.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Choudhuri, Maulvi.
Hassanuzzaman, Maulvi Md.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Heywood, Mr. Rogers.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Banku Behari.
Mandal, Mr. Bifat Chandra.
Mandal, Mr. Jagat Chandra.
Masud Ali Khan Panni, Al-Hadj Maulvi.
Millar, Mr. C.
Mohsin Ali, Mr. Md.
Morgan, Mr. G., C.I.E.
Muhammad Ishaque, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sriochandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Roy, Mr. Dhananjoy.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahebe-Alam, Mr. Syed.
Sarkar, Babu Madhusudan.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Smith, Mr. H. Brabant.
Steven, Mr. J. W. R.
Tofel Ahmed Choudhury, Maulvi Haji.
Whitehead, Mr. R. B.
Yeasuf Mirza.
Yusuf Ali Choudhury, Mr.
Zaher Ahmed Choudhury, Maulvi.

NOES—37.

Abdul Jabbar Paiwan, Mr. Md.
Abu Hossain Sarkar Maulvi.
Abul Fazl, Mr. Md.
Banerji, Mr. Satya Priya.
Banerjee, Mr. Sibnath.
Barma, Babu Prombari.
Basu, Mr. Santosh Kumar.
Chakrabarty, Mr. Jatindra Nath.
Chaudhuri, Rai Harendra Nath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Mukherjee, Mr. B.
Mullick, Srijut Ashutosh.
Roy, Mr. Charu Chandra.
Roy, Mr. Kiran Sankar.
Sanyal, Dr. Nalinaksha.
Sen, Mr. Atul Chandra.
Sen-Gupta, Mrs. Nellie.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr Pramatha Ranjan.
Zaman, Mr. A. M A.

The Ayes being 82 and the Noes 37, the motion was agreed to.

Clause 80.

Dr. NALINAKSHA SANYAL: I have got to say one word with regard to the amendment made by the Bengal Legislative Council to clause 80. I submit that this amendment made by the Council should not be agreed to.

This clause deals with the constitution of an authority to supervise the working of co-operative societies, and it was specifically said there what should be the function of such an authority. Originally it stood thus:—

"The Provincial Government may constitute an authority to appoint and control in such manner as may be prescribed the staff required for the supervision of co-operative societies other than such staff as may be appointed by the Provincial Government for the purposes of such supervision and such authority shall be composed of such number of persons as may be prescribed."

Thus there was a definite ambit prescribed within which the constituted authority would function. They would function only to supervise the work of co-operative societies and the staff that would be placed under them except the staff which may be appointed by the Provincial Government. Now, Sir, by a clever addition of a few words, an omnibus power is sought to be given to such an authority. These words are: "and shall perform such other functions as may be prescribed." What those other functions are likely to be and to what extent these may go is not explained and nobody knows what the intention of Government really is in that respect. Thus we have in various ways attempts being made by the Government to take away

the powers of the societies themselves and their management and the power of supervision also is being sought to be given to a particular authority and that authority is also sought to be vested with functions other than supervision. These other functions are unnamed. Nobody knows to what length they can go. I believe the Hon'ble Minister concerned acted very hastily in the Upper House in accepting this amendment when the Upper House in their so-called wisdom had sought to give him a new light. I would, therefore, request him to exercise his sober judgment after he has come under some sobering influence of this House——

Mr. SPEAKER: It is indeed very difficult to be sober after your speeches.

Dr. NALINAKSHA SANYAL: I hope it is my speeches, Sir, that alone will make him sober, although it may be that I am hoping against hope. I would therefore request the House not to agree to the modification sought to be made.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I may yet submit to the House that the amendment made by the Council is necessary. The reason for the addition of these words is that this body would not only have the power to control the staff, but that they should have the power to advise the Registrar. But their functions will be within the limits to be prescribed by rules to be made by Government. Therefore, Sir, there is no need for any apprehension.

The question that the House do agree to the amendment made by the Bengal Legislative Council to clause 80 was then put and agreed to.

The question that the House do agree to the amendments made by the Bengal Legislative Council to clauses 84, 88, 89, 90, 94, 98, 105, 107, 108 and 119 was then put and agreed to.

Dr. NALINAKSHA SANYAL: Sir, with regard to clause 126, there was a good deal of heated debate in this Assembly when this clause was under discussion. This clause deals with charges and surcharges, and it is stated there that where, as a result of an audit under section 75 or an inspection under section 81 or 82 or an enquiry under section 83 or a report made in the course of the winding up of a co-operative society, it appears to the Registrar that any past or present officer has at any time within a period of four years prior to the date of such audit, inspection, enquiry or report, as the case may be, been guilty of....., etc. Therefore, the intention of this House in passing that clause was quite clear.

Sir, we have heard of the maladministration of co-operative societies and also of the Co-operative Department, and we have also had numerous specific instances in which some officers of the Co-operative Department or officers of the banks concerned had taken recourse to questionable methods. We thought that the Bill sought to give the Registrar some power to charge and surcharge such members who were found after due examination to be guilty of intentionally having caused loss to a society or societies concerned. Sir, it was then thought that this section would apply to previous officers also, not merely to those who will be employed or will be functioning after the commencement of this Act, but also to officers who were in employment before the commencement of this Act, if it was within a period of three or four years. It only contemplated to cover *mala fide* cases The section is very clear that only after a proper enquiry and a report thereon if a person is found guilty, then alone the Registrar will have the power to make him liable to disgorge the money, *i. e.*, to pay out to the society concerned such sum or sums as he considers reasonable and necessary in the interest of fairness. But now, Sir, the Council, certainly with the approval of the Minister, sought to exempt the previous officers and the previous members of societies through whose *mala fide* acts the societies might have suffered. I fail to understand why there is this anxiety to exempt the present Registrar and his protégés. Why should there be such an anxiety to exempt those who are now functioning and who may not have the same opportunity of looting the department after the appointment of other incumbents to those offices. If a new Registrar comes and he discovers that the house of the present Registrar has been built with the money obtained from some questionable sources, he should be in a position to demand a refund of that amount from whatever sources the amount has been obtained. If it is found that the relation of the Minister has managed somehow to get some money back from a Central Bank and that has ruined the prospect of other creditors, it should be possible if it is a *mala fide* case to get that money refunded so that others may have an equal chance in sharing in the prospects or otherwise of a society. I therefore submit, Sir, that the addition of the words "after the commencement of the Act" is a deliberate act with a view to protect some *mala fide* members, mostly henchmen of the present Registrar, who have to-day brought ruin to the Co-operative Department and co-operative societies, and this House at least should not be a party to such an attempt at providing indemnity to persons who would be discovered afterwards, within a period of 3 or 4 years hence as the limit is given there, to have so managed the affairs as to have led to a loss to the society or societies concerned.

With these words, Sir, I implore that this House at least should not be a party to such a nefarious suggestion and the amendment made by the Council should not be agreed to.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, it is a task to stoop low to be able to reply to such nefarious operations of the last speaker, and I am not going to stoop so low to be able to do that; nor am I going to stultify the responsible office which I am holding to-day. Sir, I would only like to remind the House that here is another instance where Dr Nalinaksha Sanyal has got in abundance the bliss of ignorance. It does not refer to officers of Government at all; for by clause 131 they have been indemnified for any *bona fide* mistake that they might make, but I maintain the view that even now if there is a case of *mala fide* no law will help him from getting out of that position. Here is a case where by any measure which the House might adopt to-day it will be taking action against those who might have done something in the part either by mistake or by some other wrong ideas. It will be wrong to take action of that nature against persons giving retrospective effect to a provision of this character. It is from that point of view that the Bengal Legislative Council thought that they should not be justified to give any power to Government or the Registrar to take action against that sort of mistake. Therefore, a substantive provision of the nature should have effect when the Act comes into operation.

I submit, Sir, that the amendment made by the Council is perfectly justified and should be agreed to by this House.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. The Hon'ble Minister has just said about those who had by mistake led a society to certain position, but the clause deals with even those who "misappropriated or fraudulently retained any property of the society," that is, sub-clause (*d*), Sir.

Mr. SPEAKER: Well, one can take the plea of misappropriation by mistake.

The question that the Assembly agrees to the amendment made by the Council in clause 126 was then put and agreed to.

Mr. SPEAKER: I will now put all the amendments to the remaining clauses together.

Dr. NALINAKSHA SANYAL: Sir, on clause 139 I have only one observation to make.

Mr. SPEAKER: But it is merely consequential.

Dr. NALINAKSHA SANYAL: But when I have objected to the main clause, I have got to formally object to this also.

The question that the Assembly agrees to the amendments made by the Council in clauses 131 and 139 was then put and agreed to.

Mr. SPEAKER: A message be sent to the Council that the House agrees to the amendments made by them.

NON-OFFICIAL BILL.

The Bengal Supervision of Orphanage and Widows' Home Bill, 1940.

There is just one other matter. The House will remember that Begum Farhut Bano Khanum introduced the Bengal Supervision of Orphange and Widows' Home Bill, 1940, last autumn which has been sent to the select Committee for submission of report by the 30th November, 1940. It has been represented to me that they could not finish their labours within that time and she desires that the time-limit should be extended to 31st January, 1941.

Is it the desire of the House to grant this extension?

(As there was no objection, the time for submitting the report of the Select Committee was extended up to 31st January, 1941.)

Dr. NALINAKSHA SANYAL: Sir, we have not had a non-official day this session.

Mr. SPEAKER: Let Mr. Mullick introduce the Privileges and Powers Bill first.

GOVERNMENT BILL.

The Bengal Legislature (Privileges and Powers) Bill, 1941.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to introduce the Bengal Legislature (Privileges and Powers) Bill, 1941.

(The Secretary then read out the short title of the Bill.)

Non-official day.

Dr. NALINAKSHA SANYAL: Now, Sir, before you adjourn or prorogue the House, may I draw your attention to the rules relating to fixation of non-official business and non-official days? We have provided in the present rules that all Fridays will be non-official days and therefore, Sir, Government had no authority at all to change that, unless you, under very exceptional circumstances, choose to consent to such an alteration. We do not know how and under what exceptional circumstances Government sought your special consent in that regard for the present session, and while giving your consent whether

you got an assurance from Government that honourable members of the House would have an opportunity of getting at least one non-official day—Friday or any other day. If I am not intruding upon your time, Sir, we would like to have a proper statement of the actual state of affairs, so that we would know whether the rules have been strictly followed and whether the privileges of the members of this House have been amply safeguarded, as you are always anxious to do.

Mr. SPEAKER: So far as Government's taking my consent is concerned, this matter was discussed by me with Government about 3 months ago before the end of the last session. Government said that they would require a short session for 2 or 3 days only. They suggested Monday, which was not convenient to me. Ultimately they suggested Thursday. I know from experience, however, that short sessions are not always very short. Probably, it might extend, and in case the session continued for a longer time, I took the view that we might have a non-official day on the next Friday, but there is no more business now. These were the circumstances.

Dr. NALINAKSHA SANYAL: We may have a non-official day to-morrow. (Laughter.)

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor that the Bengal Legislative Assembly do stand prorogued.

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Index to the
Bengal Legislative Assembly Proceedings.
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(The 28th, 29th and 30th November, 2nd, 3rd and 4th December, 1940.)

[(Q.) Stands for questions.]

Abdul Hakim, Maulvi

Debt Settlement Boards in Sadar (South) subdivision, Mymensingh (Q.) p. 276.

Abdul Karim, Mr.

Apprehension of breach of peace in connection with road construction in village Muzati, Mymensingh (Q.) p. 8.

Abdul Wahed, Maulvi

Amount spent on old scheme madrasahas during last two years (Q.) p. 15.

Abdulla-al-Mahmood, Mr.

Pabna-Shahzadpur-Chandaikona and Sirajganj Road. (Q.) p. 274

Abdur Rahman, Khan Bahadur A. F. M.

Grants-in-aid to girls' institutions in Presidency and Burdwan Divisions (Q.) p. 32.

Abdur Rahman Siddiqi, Mr.

Adjournment Motion: pp. 79-81.

The Bengal Motor Spirits Sales Taxation Bill, 1941: pp. 56-57.

Abdur Rauf, Khan Bahadur Shah

Abolition of nominations to Local Bodies (Q.) p. 210.

Female waiting room at Nalpur station on Bengal Nagpur Railway: (Q.) p. 339.

Abdur Rashid Mahmood, Mr.

Recruitment in Subordinate Educational Service since 1937: (Q.) p. 11.

Abolition of nominations to Local Bodies: (Q.) p. 210.

Absence of the Leader of the Opposition: p. 4.

Abu Hossain Sarkar, Maulvi

The Bengal Co-operative Societies Bill, 1940: pp. 358, 368.

The Bengal Finance (Sales Tax) Bill, 1941 pp. 114-19.

Abul Fazl, Mr. Md.

The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940: p. 285.

Maintenance of communal ratio in office of Settlement Officer, Mymensingh: (Q.) p. 12.

Replacement of members in certain Debt Settlement Boards in Faridpur district: (Q.) p. 270.

Gratis

djournment Motion: pp. 33-37, 60.

Itab Ali, Mr.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940: pp. 263-65.

imed Hossain, Mr.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 132-34.

imed Khan, Mr. Syed

Qualifications for appointment as Head Maulvis and Second Maulvis: (Q.) p. 31.

nount spent on old scheme madrasahas during last two years: (Q.) p. 15.

nount spent on stipends and scholarships to Muslims and Scheduled Castes students: (Q.) p. 5.

peal made by the Greek Consul for War contributions: p. 149.

plication of section 99 of Bengal Cess Act in respect of Gharialdanga Estate, police-station Laimonirhat, Kurigram: (Q.) p. 22.

pointment

Of non-Bengalis in the Calcutta Madrasah: (Q.) p. 9.

Qualifications for—as Head Maulvis and Second Maulvis: (Q.) p. 31.

Of Sub-Inspector of Schools as Sub-divisional Inspector of Schools: (Q.) p. 103.

prehension of breach of peace in connection with road construction in illage Muzati, Mymensingh: (Q.) p. 8.

muddin Ahmed, Mr.

tate scholarship for the study of Engineering abroad: (Q.) p. 13.

Assistants

Leave to—in the office of Director of Public Instruction for the purpose of training for B. T. Course: (Q.) p. 95.

Aulad Hossain Khan, Khan Bahadur

Temporary Laboratory Assistant of the Islamia College, Calcutta: (Q.) p. 24.

Azhar Ali, Maulvi

Leave to assistants in the office of Director of Public Instruction for the purpose of training for B. T. Course (Q.) p. 95.

Badrudduja, Mr. Syed

Middle English School in the Sadar subdivision of Murshidabad: (Q.) p. 100

Banerjee, Dr. Suresh Chandra

Dacca Mail disaster: (Q.) p. 277.

Purchase of jute by mill authorities. (Q.) p. 202.

Storage facilities for surplus jute (Q.) p. 197.

Banerjee, Mr. Sibnath

Adjournment Motion: pp. 75-77, 89.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: p. 305.

Privilege Motion: pp. 258, 259.

Banerji, Mr. P.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 157-59.

The Bengal Motor Spirits Sales Taxation Bill, 1941: pp. 52-54.

Banerji, Mr. Satyapriya

The Bengal Co-operative Societies Bill, 1940: pp. 342, 343-49, 364.

Bar Association, Satkhira: (Q.) p. 11.

Barman, Babu Shyama Prasad

The Bengal Finance (Sales Tax) Bill, 1941. pp. 155-57.

Basu, Mr. Santosh Kumar

Adjournment Motion: pp. 35, 81-85.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940. pp. 291, 292-93, 315-16.

Hunger-strike by Sj. Subhas Chandra Bose (Q.) p. 327.

Privilege Motion p. 260.

Benares Road

Improvement of the old—from Howrah to Sheakhala (Q.) p. 197.

Bills, Government

The Bengal Co-operative Societies Bill, 1940, as passed by the Assembly and as passed with amendments by the Council (Q.) p 340.

The Bengal Finance (Sales Tax) Bill, 1941 pp. 106-48, 149-92, 217-28.

The Bengal Legislature (Privileges and Powers) Bill, 1941 p. 375.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940: pp. 229-32, 262-69, 285-88.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940· pp. 288-325.

The Bengal Motor Spirits Sales Taxation Bill, 1941: p. 45.

The Bengal Secondary Education Bill, 1940: p. 43.

The Bengal Tenancy (Amendment) Bill, 1940. (Message from the Governor): pp. 38-42, 210-17.

Bengal Touts Bill, 1937: p. 38.

The Official Trustees (Bengal Amendment) Bill, 1941: p. 326.

Bills, Non-official

The Bengal Land Revenue Sales (Amendment) Bill, 1937: p. 285.

The Bengal Supervision of Orphanage and Widows' Home Bill, 1940: p. 375.

Biswas, Babu Lakshmi Narayan

Stipends for Scheduled Castes students in aided High English Schools in Nadia (Q.) p. 106.

Biswas, Mr. Rasik Lal

Amount spent on stipends and scholarships to Muslim and Scheduled Castes students (Q.) p. 5.

Biswas, Mr. Surendra Nath

The Bengal Finance (Sales Tax) Bill, 1941 pp. 119-22.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: pp. 294, 295-96, 308-9, 310-11, 312-13.

The Bengal Motor Spirits Sales Taxation Bill, 1941: pp. 48-50.

The Bengal Tenancy (Amendment) Bill, 1940: pp. 210-12.

Hunger-strike by persons detained in Presidency and Alipore Central Jails under Defence of India Rules: p 337.

Special Motion: pp. 253-55.

Breach of peace

Apprehension of—in connection with road construction in village Muzati, Mymensingh: (Q.) p. 8.

Building of Bar Association of Satkhira, Khulna: (Q.) p. 105.

Burdwan-Arambagh Road

Reconstruction of—: (Q.) p. 339.

Calcutta Madrasah

Appointment of non-Bengalis in the—: (Q.) p. 9.

Capital grant to old and new scheme madrasahas: (Q.) p. 7.

Cess Act

Application of section 99 of Bengal—in respect of Gharialdanga Estate, police-station Lalmonirhat, Kurigram: (Q.) p. 22.

Chaudhuri, Rai Harendra Nath

The Bengal Finance (Sales Tax) Bill, 1941: pp. 149-55.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: pp. 292, 302-303.

The Bengal Secondary Education Bill, 1940. p. 44.

The Bengal Tenancy (Amendment) Bill, 1940 pp. 212-14.

Chippendale, Mr. J. W.

The Bengal Finance (Sales Tax) Bill, 1941: p. 226.

Communal ratio

Maintenance of—in office of Settlement Officer, Mymensingh: (Q.) p. 12.

Communal ratio of staffs in Court of Wards' Estates in Rajshahi district: (Q.) p. 102.

Complaint against the Senior Teacher of the Laksham Guru-training School: (Q.) p. 94.

Construction of Magura-Jhenidah Road: (Q.) p. 272.

Construction of metalled road from Jessore to Narail and Bongaon: (Q.) p. 332.

Cooking arrangements

Separate—in jails for prisoners of different communities: (Q.) p. 209.

Court of Wards' Estates

Communal ratio of staff in—in Rajshahi district: (Q.) p. 102.

Dacca Mail disaster: (Q.) p. 277.

Das, Rai Sahib Kirit Bhusan

Satkhira Bar Association: (Q.) p. 11.

Dasgupta, Babu Khagendra Nath

Discontent among Krishaks of certain parts of Jalpaiguri (Q.) p. 24.

Dasgupta, Sj. Narendra Nath

The Bengal Finance (Sales Tax) Bill, 1941. pp. 129-32.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940 p. 309.

Debt Settlement Boards in Sadar (South) subdivision, Mymensingh: (Q.) p. 276.

Debt Settlement Board

Replacement of members in certain—in Faridpur district: (Q.) p. 270.

Defence of India Rules

Treatment of persons detained under—as under-trial prisoners: (Q.) p. 199.

Dhurang Khal

Re-excavation of—in Chittagong district: (Q.) p. 279.

Disaster, Dacca Mail: (Q.) p. 277.

Discontent among Krishaks of certain parts of Jalpaiguri: (Q.) p. 24.

Distress of agricultural population

Due to scarcity of rain and sub-normal price of jute at Bogra: (Q.) p. 278.

Donation

By Maharaja of Lalgola for construction of a Tuberculosis ward at Berhampore: (Q.) p. 208.

Datta, Mr. Dhirendra Nath

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: pp. 304-5.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 122-25.

Dutta Mazumdar, Mr. Niharendu

Adjournment Motion pp. 64-68.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940 pp. 230, 232, 265-67.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940 pp. 317-22.

Special Motion: pp 250, 251, 252-53, 262.

Educational Service

Recruitment in Subordinate—since 1937 (Q.) p. 11

Emdadul Haque, Kazi

Application of section 99 of Bengal Cess Act in respect of Gharialdanga Estate, police-station Lalmonirhat, Kurigram. (Q.) p. 22

Engineering

State scholarship for the study of—abroad. (Q.) p. 13.

Extension of service

To the present Registrar of Co-operative Societies, Bengal: (Q.) p. 280.

Fazlul Huq, The Hon'ble Mr. A. K.

Amount spent on old scheme madrasahas during last two years: (Q.) p. 15.

Fazlul Huq, The Hon'ble Mr. A. K.—*contd.*

Amount spent on stipends an scholarships to Muslim an Scheduled Caste students: (Q.) p 6.

Appointment of non-Bengalis in th Calcutta Madrasah: (Q.) p. 10.

Appointment of Sub-Inspector o Schools as Subdivisional Inspecto of Schools. (Q.) p. 104.

The Bengal Finance (Sales Tax) Bill 1941. pp. 184-88.

Capital grant to old and new schem madrasahas (Q.) p. 8.

Complaint against the Senior Teache of the Laksham Guru-Training School p. 95

Grants-in-aid to girls' institutions i Presidency and Burdwan Divisions (Q.) p. 32.

Grant-in-aid to High English School in Goalundo subdivision: (Q.) p 7.

Leave to assistants in the office o Director of Public Instruction fo the purpose of training for B. T Course (Q.) p. 95.

Middle English School in the Sada subdivision of Murshidabad: (Q. p. 100.

Panel of English teachers and Sub Inspectors of Schools: (Q.) p. 100

Provision for hostel for Schedule Castes students. (Q.) p. 21.

Qualifications for appointment a Head Maulvis and Second Maulvis (Q.) p. 31.

Readjustment of the jurisdiction o Kathiadi and Bajitpur sub inspectorates. (Q.) p. 23.

Recruitment in Subordinate Educa tional Service since 1937: (Q.) p 11.

Scheduled Castes representation o institutions in the district o Burdwan: (Q.) p. 30.

State scholarship for the study o Engineering abroad: (Q.) p. 13.

Stipends for Scheduled Caste Students: (Q.) p. 28.

Fazlul Huq, The Hon'ble Mr A. K.—*concld*

Stipends for Scheduled Castes Students in aided High English Schools in Nadia: (Q.) p. 106.

Temporary Laboratory Assistant of the Islamia College, Calcutta: (Q.) p. 24.

Training institutions for girls at Dacca (Q.) p. 20.

Female waiting room at Naipur station on Bengal Nagpur Railway: (Q.) p. 339.

Flood Commission

Special Officers report on the Report of—. (Q.) p. 194.

Gharialdanga Estate

Application of section 99 of the Bengal Cess Act in respect of—, police-station Lalmonirhat, Kurigram (Q.) p. 22.

Ghose, Mr. Atul Krishna

Bengal Finance (Sales Tax) Bill, 1941: pp. 173-74.

Construction of Magura-Jhenidah Road. (Q.) p. 272.

Construction of metalled road from Jessore to Narail and Bongaon (Q.) p. 332.

Permission to Sri Subhas Chandra Bose to attend Central Legislature: (Q.) p. 15.

Glasuddin Ahmed, Maulvi

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: pp. 316-17.

Girls' Institutions

Grants-in-aid to—in Presidency and Burdwan Divisions: (Q.) p. 32.

Grant

Capital—to old and new scheme madrasahas: (Q.) p. 7.

Grant(s)-in-aid

To girls' institutions in Presidency and Burdwan Divisions: (Q.) p. 32.

To High English Schools in Goalundo subdivision: (Q.) p. 6.

Gupta, Mr. Jogesh Chandra

Special Motion: pp. 241-44.

Habibullah, The Hon'ble Nawab Khwaja, Bahadur, of Dacca

Abolition of nomination to Local Boards (Q.) p. 210.

Donation by Maharaja of Lalgola for construction of a Tuberculosis Ward at Berhampore (Q.) p. 208.

Indianisation of superior posts in Medical Department: (Q.) p. 207.

Members from Hooghly and Howrah districts on Selection Committee of Burdwan Ronaldshay Medical School (Q.) p. 209.

Haida river

Sarta Bridge over the—in Chittagong district (Q.) p. 196.

Hamiduddin Ahmed, Khan Sahib

Indianisation of superior posts in Medical Department: (Q.) p. 206.

Readjustment of the jurisdiction of Kathiadi and Bajitpur sub-inspectorates: (Q.) p. 23.

Hasanuzzaman, Maulvi Md.

Complaint against the Senior Teacher of the Laksham Guru-Training School: (Q.) p. 94.

Hashem Ali Khan, Khan Bahadur Maulvi

Special Motion: pp. 244-50.

Headquarters of Noakhali

Location of permanent—district: (Q.) p. 101.

Honorary Magistrates

Muslim—in Barrackpore subdivision: (Q.) p. 9.

Hostel

Provision for—for Scheduled Castes Students: (Q.) p. 20.

Hunger-strike

By certain prisoners in Presidency Jail detained under the Defence of India Rules: (Q.) p. 333.

By persons detained in Presidency and Alipore Central Jails under Defence of India Rules: (Q.) p. 337.

By Sj. Subhas Chandra Bose (Q.) p. 327.

Idris Ahmed Mia, Maulvi

The Bengal Finance (Sales Tax) Bill, 1941 pp. 174-78.

Immersion Ceremonies

Processions on—in connection with Pujas: (Q.) p. 275.

Improvement of the old Benares Road from Howrah to Sheakhala: (Q.) p. 197.

Inconvenience to passengers of several Steamerways of Bengal: (Q.) p. 25.

Indianisation of superior posts in Medical Department: (Q.) p. 206.

Islamia College

Temporary Laboratory Assistant of the—, Calcutta: (Q.) p. 24

Jalaluddin Hashemi, Mr. Syed

Adjournment Motion: pp. 77-79.

Bengal Finance (Sales Tax) Bill, 1941: pp. 140-43.

Bengal Local Authorities Census Expenses Contribution Bill, 1940 pp. 303-4.

Hunger-strike by certain prisoners in Presidency Jail detained under the Defence of India Rules: (Q.) p. 333.

Special Motion: pp. 233, 234, 244-46.

Jalan, Mr. I. D.

The Bengal Financial (Sales Tax) Bill, 1941: pp. 136-40.

Jute

Distress of agricultural population due to scarcity of rain and sub-normal price of—at Bogra: (Q.) p. 278.

Purchase of—by mill authorities: (Q.) p. 202.

Storage facilities for surplus—: (Q.) p. 197.

Jute Cultivation

Restriction of—: (Q.) p. 96.

Kathiadi and Bajitpur

Readjustment of the jurisdiction of—sub-inspectorates (Q.) p. 23.

Krishaks

Discontent among—of certain parts of Jalpaiguri: (Q.) p. 24.

Kumar, Mr. Atul Chandra

Number of voters of the Bengal Legislative Assembly: (Q.) p. 197.

Kundu, Mr. Nishitha Nath

Treatment of persons detained under Defence of India Rules as under-trial prisoners (Q.) p. 199.

Laboratory Assistant

Temporary—of the Islamia College, Calcutta (Q.) p. 24.

Laksham Guru-Training School

Complaint against the Senior Teacher of the—: (Q.) p. 94.

Leader of the Opposition

Absence of the—: p. 4.

Leave

To assistants in the office of Director of Public Instruction for the purpose of training for B. T. Course: (Q.) p. 95.

Location of permanent headquarters of Noakhali district: (Q.) p. 101.

Madrasahs

Amount spent on old scheme—during last two years: (Q.) p. 15.

Capital grant to old and new scheme —: (Q.) p. 7.

Magura-Jhenidah Road

Construction of—. (Q.) p. 272.

Maharaja of Laigola

Donation by—for construction of a Tuberculosis Ward at Berhampore: (Q.) p. 208.

Maintenance of communal ratio

In the office of the Settlement Officer, Mymensingh: (Q.) p. 12.

Maji, Mr. Adwaita Kumar

Provision for hostel for Scheduled Castes Students (Q.) p. 20.

Scheduled Castes representation on institutions in the district of Burdwan: (Q.) p. 29.

Maniruddin Akhand, Maulvi

Communal ratio of staffs in Court of Wards' Estates in Rajshahi district: (Q.) p. 102.

Panel of English teachers and Sub-Inspectors of Schools: (Q.) p. 99.

Maniruzzaman Islamabadi, Maulana Md.

Inconvenience to passengers of several waterways of Bengal: (Q.) p. 25.

Maqbul Hossain, Mr.

Restriction of jute cultivation: (Q.) p. 96.

Maulvis

Qualifications for appointment as Head—and Second—: (Q.) p. 31.

Medical Department

Indianization of superior posts in—: (Q.) p. 206.

Members from Hooghly and Howrah districts on Selection Committee of Burdwan Ronaldshay Medical School: (Q.) p. 209.

Middle English Schools

In the Sadar subdivision of Murshidabad (Q.) p. 100.

Mohammed Ali, Khan Bahadur

Distress of agricultural population due to scarcity of rain and sub-normal price of jute at Bogra: (Q.) p. 278.

Extension of service to the present Registrar of Co-operative Societies, Bengal: (Q.) p. 280.

Morgan, Mr. G.

The Bengal Motor Spirits Sales Taxation Bill, 1941: pp. 54-55.

Mridah, Maulvi Ahmed Ali

Grant-in-aid to high English schools in Goalando subdivision: (Q.) p. 6.

Muhammad Ibrahim, Maulvi

Appointment of non-Bengalis in the Calcutta Madrasah: (Q.) p. 9.

Muslim Honorary Magistrates in Barrackpore subdivision: (Q.) p. 9.

Muhammad Israil, Maulvi

Capital grant to old and new scheme madrasahs: (Q.) p. 7.

Mukherjee, Mr. Taraknath

Improvement of the old Benares Road from Howrah to Shoakhala: (Q.) p. 197.

Members from Hooghly and Howrah districts on Selection Committee of Burdwan Ronaldshay Medical School: (Q.) p. 209.

Reconstruction of Burdwan-Arambagh Road: (Q.) p. 339.

Mukherjee, Mr. B.

Adjournment Motion: pp. 68-72, 80.

Mullick, Sj. Ashutosh

Bengal Finance (Sales Tax) Bill, 1941. pp. 143-46.

Mullick, The Hon'ble Mr. Mukunda Behary

Bengal Co-operative Societies Bill, 1940 pp. 340, 350-52, 355, 356, 359, 362, 364, 368-69, 372, 374.

Bengal Legislature (Privileges and Powers) Bill, 1941: p. 375.

Debt Settlement Boards in Sadar (South) subdivision, Mymensingh: (Q.) p 277.

Extension of service to the present Registrar of Co-operative Societies: (Q.) p. 280.

Replacement of members in certain Debt Settlement Boards in Faridpur district: (Q.) p. 271.

Musharruff Hossain, The Hon'ble Nawab, Khan Bahadur

Bengal Touts Bill, 1937: p. 38.

Building of Bar Association of Satkhira, Khulna: (Q.) p. 105.

Muslim Honorary Magistrates in Barrackpore subdivision: (Q.) p 9.

The Official Trustees (Bengal Amendment) Bill, 1941: p. 326.

Satkhira Bar Association: (Q.) p. 12.

Muslim Honorary Magistrates in Barrackpore subdivision: (Q.) p. 9.

Muzati

Apprehension of breach of peace in connection with road construction in village—, Mymensingh: (Q.) p. 8.

Nandy, The Hon'ble Maharaja Sriochandra, of Cossimbazar

Construction of Magura-Jhenidah Road: (Q.) p. 273.

Construction of metalled road from Jessore to Narail and Bongaon: (Q.) p. 332.

Dacca Mail Disaster. (Q.) p. 278.

Female waiting room at Nalpur station on Bengal-Nagpur Railway: p. 339.

Improvement of the old Benares Road from Howrah to Shoakhala. (Q.) p. 197.

Pabna-Shahzadpur-Chandaikona and Sirajganj Road: (Q.) p. 274.

Reconstruction of Burdwan-Arambagh Road: (Q.) p. 340.

Regarding excavation of Dhurang Khal in Chittagong district: (Q.) p. 279.

Sarta Bridge over the Halda river in Chittagong district: (Q.) p. 196.

Nazimuddin, The Hon'ble Khwaja Sir

Adjournment Motion: pp. 33, 34, 35, 36, 60, 61, 70, 71, 85, 86-90.

Apprehension of breach of peace in connection with road construction in village Muzati, Mymensingh: (Q.) p. 9.

The Bengal Legislature (Removal of Disqualification) (Amendment) Bill, 1940. pp. 229, 230.

Discontent among Krishaks of certain parts of Jalpaiguri: (Q.) p. 24.

Hunger-strike by certain prisoners in Presidency Jail detained under the Defence of India Rules: (Q.) p. 334.

Hunger-strike by persons detained in Presidency and Alipore Central Jails under Defence of India Rules: (Q.) p. 337.

Nazimuddin, The Hon'ble Khwaja Sir— *concld.*

Hunger-strike by Sj. Subhas Chandra Bose: (Q.) pp. 328-29.

Number of voters of the Bengal Legislative Assembly: (Q.) p. 197.

Permission to Sri Subhas Chandra Bose to attend Central Legislature: (Q.) p. 16.

Political prisoners, Chittagong: (Q.) p. 96.

Processions on immersion ceremonies in connection with Pujas: (Q.) p. 275.

Privilege Motion: pp. 258-59, 261.

Separate cooking arrangements in jails for prisoners of different communities: (Q.) p. 210.

Treatment of persons detained under Defence of India Rules as under-trial prisoners: (Q.) p. 199.

Nomination(s)—

Abolition of—to Local Bodies: (Q.) p. 210.

On the Select Committee of the Calcutta Municipal (Amendment) Bill, 1940: p. 42.

Non-official day: p. 375.

Number of voters of the Bengal Legislative Assembly: (Q.) p. 197.

Oaths: p. 1.

Obituary Reference: p. 2.

Office of Settlement Officer, Mymensingh

Maintenance of communal ratio in—: (Q.) p. 12.

Ordinance

The Bengal Legislature (Removal of Disqualifications) (Amendment)—, 1940: p. 38.

Pabna-Shahzadpur-Chandaikona and Sirajganj Road: (Q.) p. 274.

Panel of Chairman: p. 3.

Panel of English teachers and Sub-Inspectors of Schools: (Q.) p. 99.

Passengers

Inconvenience to—of several Steamer-ways of Bengal: (Q.) p. 25.

Pending Short-notice Questions: pp. 330-31.

Permission to Sri Subhas Chandra Bose to attend Central Legislature: (Q.) p. 15.

Point of privilege: p. 3.

Political prisoners, Chittagong: (Q.) p. 95.

Pramanik, Mr. Tarini Charan

Appointment of Sub-Inspector of Schools as Subdivisional Inspector of Schools: (Q.) p. 103.

Prisoners

Hunger-strike by certain—in Presidency Jail detained under the Defence of India Rules: (Q.) p. 333.

Political—, Chittagong. (Q.) p. 95.

Treatment of persons detained under Defence of India Rules as under-trials—: (Q.) p. 199.

Privilege Motion: pp. 1-2, 228-29, 258.

Regarding attendance of the sitting members who are now in Jail: p. 4.

Processions on immersion ceremonies in connection with Pujas: (Q.) p. 275.

Programme of Business: pp. 192-93.

Prorogation: p. 376.

Provision for hostel for Scheduled Castes Students: (Q.) p. 20.

Purchase of jute by Mill authorities: (Q.) p. 202.

Qualifications for appointment as Head Mauivis and Second Mauivis: (Q.) p. 31.

Readjustment of the jurisdiction of Kathiadi and Bajitpur Sub-inspectorates: (Q.) p. 23.

Reconstruction of Burdwan-Arambagh Road: (Q.) p. 339.

Recruitment in Subordinate Educational Service since 1937: (Q.) p. 11.

Re-excavation of Dhurang Khal in Chittagong district: (Q.) p. 279.

Registrar of Co-operative Societies

Extension of service to the present—Bengal (Q.) p. 280.

Replacement of members in certain Debt Settlement Boards in Faridpur District: (Q.) p. 270.

Report

Special Officer's—on the—of Floud Commission (Q.) p. 194.

Restriction of jute cultivation: (Q.) p. 96.

Road

Construction of metalled—from Jessore to Narail and Bongaon: (Q.) p. 332.

Pabna-Shahzadpur-Chandaikona and Sirajganj—: (Q.) p. 274.

Road construction

Apprehension of breach of peace in connection with—in village Muzati, Mymensingh: (Q.) p. 8.

Ronaldshay Medical School

Members from Hooghly and Howrah districts on Selection Committee of Burdwan—: (Q.) p. 202.

Roy, Mr. Dhananjoy

Stipends for Scheduled Castes students: (Q.) p. 28.

Training institutions for girls at Dacca: (Q.) p. 19.

Roy, The Hon'ble Sir Bijoy Prasad Singh

Application of section 99 of Bengal Cess Act in respect of Gharialdanga Estate, Lalmonirhat, Kurigram: (Q.) p. 23.

The Bengal Land Revenue Sales (Amendment) Bill, 1937: p. 285.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940: pp. 267, 285, 286-287.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: pp 288, 289, 291-92, 293, 294, 298, 305-307, 308, 309-10, 311, 312, 313-14, 315.

The Bengal Secondary Education Bill, 1940: pp. 43, 44, 45.

The Bengal Tenancy (Amendment) Bill, 1940 pp. 210, 215-17.

Communal ratio of staffs in Court of Wards' Estates in Rajshahi district: (Q.) p. 103.

Distress of agricultural population due to scarcity of rain and subnormal price of jute at Bogra: (Q.) p. 279.

Location of permanent headquarters of Noakhali district: (Q.) p. 102.

Maintenance of communal ratio in office of Settlement Officer, Mymensingh. (Q.) p. 13.

Special Officer's report on the report of Floud Commission: (Q.) p. 194.

Sanaullah, Dr.

Re-excavation of Dhurangkhal in Chittagong district: (Q.) p. 279.

Sarta Bridge over the Halda river in Chittagong district: (Q.) p. 196.

Sanyal, Dr. Nalinaksha

Adjournment Motion: pp. 33, 34, 35, 60, 61-64.

The Bengal Co-operative Societies Bill, 1940: pp. 340, 341, 342, 352, 353, 356-58, 360, 361-63, 364, 365-68, 371-73, 374.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 178-84.

The Bengal Legislature (Removal of Disqualifications Amendment) Bill, 1940: p. 286.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: pp. 288, 289, 290, 293, 296-97, 298-99, 300-302, 314.

The Bengal Motor Spirits Sales Taxation Bill, 1941: pp. 50-52, 58.

The Bengal Secondary Education Bill, 1940: p. 43.

Nomination on the Select Committee of the Calcutta Municipal (Amendment) Bill, 1940: pp. 42, 43.

Non-official day: pp. 375-76.

Processions on immersion ceremonies in connection with Pujas: (Q.) p. 275.

Special Motion: pp. 232, 233, 235-40.

Special officer's report on the report of Floud Commission: (Q.) p. 194.

Sanyal, Mr. Saasanka Sekhar

Adjournment Motion: pp. 72-74.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 134-36.

The Bengal Legislature (Removal of Disqualifications) (Amendment) Bill, 1940: pp. 230-31.

Donation by Maharaja of Lalgola for construction of a Tuberculosis Ward at Berhampore: (Q.) p. 208.

Sarker, Mr. Nalini Ranjan

The Bengal Finance (Sales Tax) Bill, 1941: pp. 159-68.

The Bengal Motor Spirits Sales Taxation Bill, 1941: pp. 55-56.

The Bengal Tenancy (Amendment) Bill, 1940: pp. 38, 39.

Saria Bridge over the Halda river in Chittagong district: (Q.) p. 196.

Sassoon, Mr. R. M.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 125-29.

Satkhira Bar Association: (Q.) p. 11.

Building of—, Khulna: (Q.) p. 105.

Scheduled Castes

Provision for hostel for—students: (Q.) p. 20.

Representation of institutions in the district of Burdwan: (Q.) p. 29.

Stipends for—students in aided High English Schools in Nadia: (Q.) p. 106.

Stipends for—Students: (Q.) p. 28.

Schools in Goalundo

Grant-in-aid to High English—subdivision: (Q.) p. 6.

Sen, Babu Nagendra Nath

Separate cooking arrangements in jails for prisoners of different communities: (Q.) p. 209.

Sen, Mr. Atul Chandra

The Bengal Co-operative Societies Bill, 1940: pp. 349-50.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 171-73.

The Bengal Local Authorities Census Expenses Contribution Bill, 1940: p. 296.

Sengupta, Mrs. Nellie

Political prisoners, Chittagong: (Q.) p. 95.

Separate cooking

Arrangements in jails for prisoners of different communities: (Q.) p. 209.

Shahedali, Mr.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 146-48.

Shamsuddin Ahmed, Mr. M.

The Bengal Finance (Sales Tax) Bill, 1941: pp. 168-71.

Short-notice Questions: pp. 284, 327.

Singha, Babu Kshetra Nath

The Bengal Local Authorities Census Expenses Contribution Bill, 1940 pp. 322-24.

Speaker, Mr. (The Hon'ble Khan Bahadur M. Azizul Haque, C.I.E.)

Message from the Governor relating to the Bengal Tenancy (Amendment) Bill, 1940 pp. 39-42.

Observation on the admissibility of an adjournment motion relating to the order prohibiting printing and publishing matters connected with the hunger-strike of prisoners in jail: p. 37

Observation on the Bengal Local Authorities Census Expenses Contribution Bill, 1940: pp. 289, 290, 291 293, 294.

Special Motion: p. 232.

Special Officer's report on the report on Flood Commission: (Q.) p. 194.

State Scholarship for the study of Engineering abroad: (Q.) p. 13.

Steamerways

Inconvenience to passengers of several —of Bengal: (Q.) p. 25.

Stipends and Scholarships

Amount spent on—to Muslims and Scheduled Castes students: (Q.) p. 5.

Stipends for Scheduled Castes Students: (Q.) p. 28.

In aided High English Schools in Nadia: (Q.) p. 106.

Storage facilities for surplus jute: (Q.) p. 197.

Subhas Chandra Bose

Hunger-strike by Sj.—: (Q.) p. 327.

Permission to Sj.—to attend Central Legislature: (Q.) p. 15.

Sub-Inspector of Schools

Appointment of—as Subdivisional Inspector of Schools: (Q.) p. 103.

Panel of English teachers and—: (Q.) p. 99.

Sub-inspectorates

Readjustment of the jurisdiction of Kathiadi and Bajitpur—: (Q.) p. 23.

Suhrawardy, The Hon'ble Mr. H. S.

The Bengal Finance (Sales Tax) Bill, 1941. pp 106-14, 188-92, 217-24.

The Bengal Motor Spirits Sales Taxation Bill, 1941: pp. 45, 46, 47-48, 57-60.

Inconvenience to passengers of several waterways of Bengal: (Q.) p. 26.

Special Motion: pp. 234, 235, 250, 251, 255-58.

Sur, Mr. Harendra Kumar

Location of permanent headquarters of Noakhali district: (Q.) p. 101.

Tamizuddin Khan, The Hon'ble Mr.

Purchase of jute by mill authorities: (Q.) p. 203.

Restriction of jute cultivation: (Q.) p. 97.

Storage facilities for surplus j[illegible] (Q.) p. 198

Teachers

Panel of English—and Sub-Inspectors of Schools: (Q.) p. 99.

Temporary Laboratory Assistant of the Islamia College, Calcutta: (Q.) p. 24.

Training institutions for girls at Dacca: (Q.) p. 19.

Treatment of persons detained under Defence of India Rules as under-trial prisoners: (Q.) p. 199.

Tuberculosis Ward

Donation by Maharaja of Lalgola for construction of a—at Berhampore: (Q.) p. 208.

Voters

Number of—of the Bengal Legislative Assembly: (Q.) p. 197.

Waiting room

Female—at Nalpur station on Bengal-Nagpur Railway: (Q.) p. 339.

Walker, Mr. W. A. M.

Special Motion: pp. 240-41.

War contribution

Appeal made by the Greek Consul for—: p. 149.

Zaman, Mr. A. M. A.

Adjournment Motion: pp. 74-75.

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